more active and participated at a higher level than BILL EMERSON.

□ 1230

There is a very important reason for that, Mr. Speaker. BILL EMERSON, as I am sure was stated by my colleagues earlier, loved and revered this institution. He understood the fact that it was the greatest deliberative body known to man. He is one who spent a great deal of time trying to see the view held by the American people shift from what is tragically a corrosive cynicism back to what Will Rogers had, which is really a healthy skepticism. Thomas Jefferson wanted the American people to have a skeptical view of us, he thought that to be very healthy, and Will Rogers, again, said that time and time again.

BILL EMERSON, as one who loved and revered this institution, wanted us very much to get back to that, and that is the reason that BILL EMERSON spent so much time working with us on trying to make this institution more accountable to the American people and trying to make this institution as deliberative as it should be.

So, Mr. Speaker, I would simply like to say that I, of course, had a long and very warm personal relationship with him. I am a native of the ''Show Me'' State and in fact was just there yesterday. And on several occasions I had the opportunity to visit BILL in his southeastern Missouri district, and I spent time with him here in the Capitol because we were elected together back in 1980, the 97th Congress, a large group of 54 new Republicans to come, and Bill and I were among the two who defeated Democrat incumbent Members of the House of Representatives. So he will be sorely missed.

I have had great opportunities to spend personal time with BILL and his wife Jo Ann and other members of their family and it is a very sad day as we note his passing, and I wish all of his relatives and other friends Godspeed.

## TRIBUTE TO BILL EMERSON

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Mr. Speaker, there is hanging in the Republican Cloakroom a photograph of BILL EMERSON taken on March 1, 1954, when he was a page here. As all of us know, he served as a page on that fateful day when the House of Representatives was attacked by terrorists, and the photograph shows BILL EMERSON carrying on his shoulders the prone body of Alben Barkley, a Representative here, who was in fact shot during that attack. That was very early on in BILL's congressional career.

When the first Republican House of Representatives, the first Republican majority in 40 years, was sworn in and the gavel was banged in 1995, in January, it was BILL EMERSON who was in the chair. He was the only current Member of the House of Representatives who had been here during the last Republican majority because he had been here as a page. Probably, as a result, no one had more knowledge of this institution; and as so many speakers have pointed out this morning, more care for it, more understanding, and more love for the Congress of the United States.

It is natural for each of us to express ourselves at a time like this by giving a speech on the floor of the House. That is what we do. BILL himself gave many speeches. He was a fine speaker, but, more important than the CONGRESSIONAL RECORD, a history of what BILL EMERSON did here, was what those of us who worked with him saw and watched. His example is a powerful one. I am sure BILL would want us all, on the occasion of his death, to do more than to remember him; to do this, to follow his example, to be like him.

Perhaps he would not have thought so highly of himself, as we do, that he would have held himself up as an example for all of us in that way, but BILL had a special quality of being able to disagree, which we do here on the floor every day when we engage one another in debate, without being disagreeable. So each of us can pay tribute to BILL EMERSON today, and all the rest of our days, in no better way than by trying to be a little bit more like him.

## PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule:

Committee on Government Reform and Oversight; Committee on International Relations; Committee on National Security; Committee on Resources; Committee on Science; Committee on Small Business; and Committee on Transportation and Infrastructure.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from Florida?

There was no objection.

## BUCK DOES NOT STOP WITH CRAIG LIVINGSTONE ON FILEGATE

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the buck on Filegate does not stop with White House political hack Craig Livingstone, who is now being paid not to work. As William Safire has pointed out, the problem extends to a White House counsel's office bent on stonewalling. But the obstruction goes even higher. On May 9 President Clinton directed his counsel to invoke Executive privilege and thereby conceal certain documents, including the White House request for FBI files on Billy Dale, months after he was fired.

Now, get that, Mr. Speaker. By his own admission, the President knew about the smoking gun document at least as early as May 9, when he invoked Executive privilege for the first time since Watergate, yet he did absolutely nothing at that point to surrender the improperly requested FBI files. They remained in the custody of the White House for weeks after that time.

Of course, Mr. Speaker, there was no justification whatsoever for the assertion of Executive privilege with regard to the FBI file request. And although that document eventually was turned over to the Committee on Government Reform and Oversight, the President continues to assert the privilege with regard to some 2,000 additional documents.

Mr. Speaker, the buck does not stop with Mr. Livingstone, not by a long shot.

## SAFE DRINKING WATER ACT AMENDMENTS OF 1996

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3604) to amend title XIV of the Public Health Service Act—the ''Safe Drinking Water Act''—and for other purposes, as amended.

The Clerk read as follows:

H.R. 3604

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Safe Drinking Water Act Amendments of 1996''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. References; effective date; disclaimer.

TITLE I—PUBLIC WATER SYSTEMS

Subtitle A—Promulgation of National Primary Drinking Water Regulations

Sec. 101. Selection of additional contaminants.
Sec. 102. Disinfectants and disinfection byproducts.
Sec. 103. Limited alternative to filtration.
Sec. 104. Standard-setting.
Sec. 105. Ground water disinfection.
Sec. 106. Effective date for regulations.
Sec. 107. Risk assessment, management, and communication.
Sec. 108. Radon, arsenic, and sulfate.
Sec. 109. Urgent threats to public health.
Sec. 110. Recycling of filter backwash.
Sec. 111. Treatment technologies for small systems.

Subtitle B—State Primary Enforcement Responsibility for Public Water Systems

Sec. 121. State primacy.

Subtitle C—Notification and Enforcement

Sec. 131. Public notification.

Sec. 132. Enforcement.
Sec. 133. Judicial review

Subtitle D—Exemptions and Variances

Sec. 141. Exemptions.
Sec. 142. Variances.

Subtitle E—Lead Plumbing and Pipes

Sec. 151. Lead plumbing and pipes.

Subtitle F—Capacity Development

Sec. 161. Capacity development.

TITLE II—AMENDMENTS TO PART C

Sec. 201. Source water quality assessment.
Sec. 202. Federal facilities.

TITLE III—GENERAL PROVISIONS REGARDING SAFE DRINKING WATER ACT

Sec. 301. Operator certification.
Sec. 302. Technical assistance.
Sec. 303. Public water system supervision program.
Sec. 304. Monitoring and information gathering.
Sec. 305. Occurrence data base.
Sec. 306. Citizens suits.
Sec. 307. Whistle blower.
Sec. 308. State revolving funds.
Sec. 309. Water conservation plan.

TITLE IV—MISCELLANEOUS

Sec. 401. Definitions.
Sec. 402. Authorization of appropriations.
Sec. 403. New York City watershed protection program.
Sec. 404. Estrogenic substances screening program.
Sec. 405. Reports on programs administered directly by Environmental Protection Agency.
Sec. 406. Return flows.
Sec. 407. Emergency powers.
Sec. 408. Waterborne disease occurrence study.
Sec. 409. Drinking water studies.
Sec. 410. Bottled drinking water standards.
Sec. 411. Clerical amendments.

*TITLE V—ADDITIONAL ASSISTANCE FOR WATER INFRASTRUCTURE AND WATERSHEDS*

*Sec. 501. General program.*
*Sec. 502. New York City Watershed, New York.*
*Sec. 503. Rural and Native villages, Alaska.*
*Sec. 504. Acquisition of lands.*
*Sec. 505. Federal share.*
*Sec. 506. Condition on authorizations of appropriations.*
*Sec. 507. Definitions.*

*TITLE VI—DRINKING WATER RESEARCH AUTHORIZATION*

*Sec. 601. Drinking water research authorization.*
*Sec. 602. Scientific research review.*

**SEC. 2. REFERENCES; EFFECTIVE DATE; DISCLAIMER.**

(a) REFERENCES TO SAFE DRINKING WATER ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act, 42 U.S.C. 300f et seq.).

(b) EFFECTIVE DATE.—Except as otherwise specified in this Act or in the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(c) DISCLAIMER.—Nothing in this Act or in any amendments made by this Act to title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) or any other law shall be construed by the Administrator of the Environmental Protection Agency or the courts as affecting, modifying, expanding, changing, or altering—

(1) the provisions of the Federal Water Pollution Control Act;

(2) the duties and responsibilities of the Administrator under that Act; or

(3) the regulation or control of point or nonpoint sources of pollution discharged into waters covered by that Act.

The Administrator shall identify in the agency's annual budget all funding and full-time equivalents administering such title XIV separately from funding and staffing for the Federal Water Pollution Control Act.

**TITLE I—PUBLIC WATER SYSTEMS**

**Subtitle A—Promulgation of National Primary Drinking Water Regulations**

**SEC. 101. SELECTION OF ADDITIONAL CONTAMINANTS.**

(a) IN GENERAL.—Section 1412(b)(3) (42 U.S.C. 300g–1(b)(3)) is amended to read as follows:

''(3) REGULATION OF UNREGULATED CONTAMINANTS.—

''(A) LISTING OF CONTAMINANTS FOR CONSIDERATION.—(i) Not later than 18 months after the date of the enactment of the Safe Drinking Water Act Amendments of 1996 and every 5 years thereafter, the Administrator, after consultation with the scientific community, including the Science Advisory Board, after notice and opportunity for public comment, and after considering the occurrence data base established under section 1445(g), shall publish a list of contaminants which, at the time of publication, are not subject to any proposed or promulgated national primary drinking water regulation, which are known or anticipated to occur in public water systems, and which may require regulation under this title.

''(ii) The unregulated contaminants considered under clause (i) shall include, but not be limited to, substances referred to in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and substances registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act.

''(iii) The Administrator's decision whether or not to select an unregulated contaminant for a list under this subparagraph shall not be subject to judicial review.

''(B) DETERMINATION TO REGULATE.—(i) Not later than 5 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1996, and every 5 years thereafter, the Administrator shall, by rule, for not fewer than 5 contaminants included on the list published under subparagraph (A), make determinations of whether or not to regulate such contaminants.

''(ii) A determination to regulate a contaminant shall be based on findings that—

''(I) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at a level of public health concern; and

''(II) regulation of such contaminant presents a meaningful opportunity for public health risk reduction for persons served by public water systems.

Such findings shall be based on the best available public health information, including the occurrence data base established under section 1445(g).

''(iii) The Administrator may make a determination to regulate a contaminant that does not appear on a list under subparagraph (A) if the determination to regulate is made pursuant to clause (ii).

''(iv) A determination under this subparagraph not to regulate a contaminant shall be considered final agency action and subject to judicial review.

''(C) PRIORITIES.—In selecting unregulated contaminants for consideration under subparagraph (B), the Administrator shall select contaminants that present the greatest public health concern. The Administrator, in making such selection, shall take into consideration, among other factors of public health concern, the effect of such contaminants upon subgroups that comprise a meaningful portion of the general population (such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations) that are identifiable as being at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population.

''(D) REGULATION.—For each contaminant that the Administrator determines to regulate under subparagraph (B), the Administrator shall promulgate, by rule, maximum contaminant level goals and national primary drinking water regulations under this subsection. The Administrator shall propose the maximum contaminant level goal and national primary drinking water regulation not later than 24 months after the determination to regulate under subparagraph (B), and may publish such proposed regulation concurrent with the determination to regulate. The Administrator shall promulgate a maximum contaminant level goal and national primary drinking water regulation within 18 months after the proposal thereof. The Administrator, by notice in the Federal Register, may extend the deadline for such promulgation for up to 9 months.

''(E) HEALTH ADVISORIES AND OTHER ACTIONS.—The Administrator may publish health advisories (which are not regulations) or take other appropriate actions for contaminants not subject to any national primary drinking water regulation.''.

(b) APPLICABILITY OF PRIOR REQUIREMENTS.—The requirements of subparagraphs (C) and (D) of section 1412(b)(3) of title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) as in effect before the enactment of this Act, and any obligation to promulgate regulations pursuant to such subparagraphs not promulgated as of the date of enactment of this Act, are superseded by the amendments made by subsection (a) to such subparagraphs (C) and (D).

**SEC. 102. DISINFECTANTS AND DISINFECTION BYPRODUCTS.**

Section 1412(b)(3) (42 U.S.C. 300g–1(b)(3)) is amended by adding at the end the following subparagraph:

''(F) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—

''(i) INFORMATION COLLECTION RULE.—Not later than December 31, 1996, the Administrator shall, after notice and opportunity for public comment, promulgate an information collection rule to obtain information that will facilitate further revisions to the national primary drinking water regulation for disinfectants and disinfection byproducts, including information on microbial contaminants such as cryptosporidium. The Administrator may extend the December 31, 1996, deadline under this clause for up to 180 days if the Administrator determines that progress toward approval of an appropriate analytical method to screen for cryptosporidium is sufficiently advanced and approval is likely to be completed within the additional time period.

''(ii) ADDITIONAL DEADLINES.—The time intervals between promulgation of a final information collection rule, an Interim Enhanced Surface Water Treatment Rule, a Final Enhanced Surface Water Treatment Rule, a Stage I Disinfectants and Disinfection Byproducts Rule, and a Stage II Disinfectants and Disinfection Byproducts Rule shall be in accordance with the schedule published in volume 59, Federal Register, page

6361 (February 10, 1994), in table III.13 of the proposed Information Collection Rule. If a delay occurs with respect to the promulgation of any rule in the timetable established by this subparagraph, all subsequent rules shall be completed as expeditiously as practicable but no later than a revised date that reflects the interval or intervals for the rules in the timetable.''.

**SEC. 103. LIMITED ALTERNATIVE TO FILTRATION.**

Section 1412(b)(7)(C) is amended by adding the following after clause (iv):

''(v) As an additional alternative to the regulations promulgated pursuant to clauses (i) and (iii), including the criteria for avoiding filtration contained in CFR 141.71, a State exercising primary enforcement responsibility for public water systems may, on a case-by-case basis, and after notice and opportunity for public comment, establish treatment requirements as an alternative to filtration in the case of systems having uninhabited, undeveloped watersheds in consolidated ownership, and having control over access to, and activities in, those watersheds, if the State determines (and the Administrator concurs) that the quality of the source water and the alternative treatment requirements established by the State ensure greater removal or inactivation efficiencies of pathogenic organisms for which national primary drinking water regulations have been promulgated or that are of public health concern than would be achieved by the combination of filtration and chlorine disinfection (in compliance with paragraph (8)).''.

**SEC. 104. STANDARD-SETTING.**

(a) IN GENERAL.—Section 1412(b) (42 U.S.C. 300g–1(b)) is amended as follows:

(1) In paragraph (4)—

(A) by striking ''(4) Each'' and inserting the following:

''(4) GOALS AND STANDARDS.—

''(A) MAXIMUM CONTAMINANT LEVEL GOALS.—Each'';

(B) in the last sentence—

(i) by striking ''Each national'' and inserting the following:

''(B) MAXIMUM CONTAMINANT LEVELS.— Except as provided in paragraphs (5) and (6), each national''; and

(ii) by striking ''maximum level'' and inserting ''maximum contaminant level''; and

(C) by adding at the end the following:

''(C) DETERMINATION.—At the time the Administrator proposes a national primary drinking water regulation under this paragraph, the Administrator shall publish a determination as to whether the benefits of the maximum contaminant level justify, or do not justify, the costs based on the analysis conducted under paragraph (12)(C).''.

(2) By striking ''(5) For the'' and inserting the following:

''(D) DEFINITION OF FEASIBLE.—For the''.

(3) In the second sentence of paragraph (4)(D) (as so designated), by striking ''paragraph (4)'' and inserting ''this paragraph''.

(4) By striking ''(6) Each national'' and inserting the following:

''(E) FEASIBLE TECHNOLOGIES.—

''(i) Each national''.

(5) In paragraph (4)(E)(i) (as so designated), by striking ''this paragraph'' and inserting ''this subsection''.

(6) By inserting after paragraph (4) (as so amended) the following:

''(5) ADDITIONAL HEALTH RISK CONSIDERATIONS.—

''(A) IN GENERAL.—Notwithstanding paragraph (4), the Administrator may establish a maximum contaminant level for a contaminant at a level other than the feasible level, if the technology, treatment techniques, and other means used to determine the feasible level would result in an increase in the health risk from drinking water by—

''(i) increasing the concentration of other contaminants in drinking water; or

''(ii) interfering with the efficacy of drinking water treatment techniques or processes that are used to comply with other national primary drinking water regulations.

''(B) ESTABLISHMENT OF LEVEL.—If the Administrator establishes a maximum contaminant level or levels or requires the use of treatment techniques for any contaminant or contaminants pursuant to the authority of this paragraph—

''(i) the level or levels or treatment techniques shall minimize the overall risk of adverse health effects by balancing the risk from the contaminant and the risk from other contaminants the concentrations of which may be affected by the use of a treatment technique or process that would be employed to attain the maximum contaminant level or levels; and

''(ii) the combination of technology, treatment techniques, or other means required to meet the level or levels shall not be more stringent than is feasible (as defined in paragraph (4)(D)).

''(6) ADDITIONAL HEALTH RISK REDUCTION AND COST CONSIDERATIONS.—

''(A) IN GENERAL.—Notwithstanding paragraph (4), if the Administrator determines based on an analysis conducted under paragraph (12)(C) that the benefits of a maximum contaminant level promulgated in accordance with paragraph (4) would not justify the costs of complying with the level, the Administrator may, after notice and opportunity for public comment, promulgate a maximum contaminant level for the contaminant that maximizes health risk reduction benefits at a cost that is justified by the benefits.

''(B) EXCEPTION.—The Administrator shall not use the authority of this paragraph to promulgate a maximum contaminant level for a contaminant, if the benefits of compliance with a national primary drinking water regulation for the contaminant that would be promulgated in accordance with paragraph (4) experienced by—

''(i) persons served by large public water systems; and

''(ii) persons served by such other systems as are unlikely, based on information provided by the States, to receive a variance under section 1415(e) (relating to small system assistance program);

would justify the costs to the systems of complying with the regulation. This subparagraph shall not apply if the contaminant is found almost exclusively in small systems (as defined in section 1415(e), relating to small system assistance program).

''(C) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—The Administrator may not use the authority of this paragraph to establish a maximum contaminant level in a Stage I or Stage II national primary drinking water regulation for contaminants that are disinfectants or disinfection byproducts (as described in paragraph (3)(F)), or to establish a maximum contaminant level or treatment technique requirement for the control of cryptosporidium. The authority of this paragraph may be used to establish regulations for the use of disinfection by systems relying on ground water sources as required by paragraph (8).

''(D) JUDICIAL REVIEW.—A determination by the Administrator that the benefits of a maximum contaminant level or treatment requirement justify or do not justify the costs of complying with the level shall be reviewed by the court pursuant to section 1448 only as part of a review of a final national primary drinking water regulation that has been promulgated based on the determination and shall not be set aside by the court under that section unless the court finds that the determination is arbitrary and capricious.''.

(b) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—The Administrator of the Environmental Protection Agency may use the authority of section 1412(b)(5) of the Public Health Service Act (as amended by this Act) to promulgate the Stage I and Stage II rules for disinfectants and disinfection byproducts as proposed in volume 59, Federal Register, page 38668 (July 29, 1994). The considerations used in the development of the July 29, 1994, proposed national primary drinking water regulation on Disinfection and Disinfection Byproducts shall be treated as consistent with such section 1412(b)(5) for purposes of such Stage I and Stage II rules.

(c) REVIEW OF STANDARDS.—Section 1412(b)(9) (42 U.S.C. 300g–1(b)) is amended to read as follows:

''(9) REVIEW AND REVISION.—The Administrator shall, not less often than every 6 years, review and revise, as appropriate, each national primary drinking water regulation promulgated under this title. Any revision of a national primary drinking water regulation shall be promulgated in accordance with this section, except that each revision shall maintain, or provide for greater, protection of the health of persons.''.

**SEC. 105. GROUND WATER DISINFECTION.**

Section 1412(b)(8) (42 U.S.C. 300g–1(b)(8)) is amended by striking the first sentence and inserting the following: ''At any time after the end of the 3-year period that begins on the date of enactment of the Safe Drinking Water Act Amendments of 1996, but not later than the date on which the Administrator promulgates a Stage II rulemaking for disinfectants and disinfection byproducts (as described in paragraph (3)(F)(ii)), the Administrator shall also promulgate national primary drinking water regulations requiring disinfection as a treatment technique for all public water systems, including surface water systems and, as necessary, ground water systems. After consultation with the States, the Administrator shall (as part of the regulations) promulgate criteria that the Administrator, or a State that has primary enforcement responsibility under section 1413, shall apply to determine whether disinfection shall be required as a treatment technique for any public water system served by ground water. A State that has primary enforcement authority shall develop a plan through which ground water disinfection determinations are made. The plan shall be based on the Administrator's criteria and shall be submitted to the Administrator for approval.''.

**SEC. 106. EFFECTIVE DATE FOR REGULATIONS.**

Section 1412(b)(10) (42 U.S.C. 300g–1(b)(10)) is amended to read as follows:

''(10) EFFECTIVE DATE.—A national primary drinking water regulation promulgated under this section (and any amendment thereto) shall take effect on the date that is 3 years after the date on which the regulation is promulgated unless the Administrator determines that an earlier date is practicable, except that the Administrator, or a State (in the case of an individual system), may allow up to 2 additional years to comply with a maximum contaminant level or treatment technique if the Administrator or State (in the case of an individual system) determines that additional time is necessary for capital improvements.''.

**SEC. 107. RISK ASSESSMENT, MANAGEMENT, AND COMMUNICATION.**

Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by inserting after paragraph (11) the following:

''(12) RISK ASSESSMENT, MANAGEMENT AND COMMUNICATION.—

''(A) USE OF SCIENCE IN DECISIONMAKING.—In carrying out this section, and, to the degree that an Agency action is based on science, the Administrator shall use—

''(i) the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

''(ii) data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies use of the data).

''(B) PUBLIC INFORMATION.—In carrying out this section, the Administrator shall ensure that the presentation of information on public health effects is comprehensive, informative and understandable. The Administrator shall, in a document made available to the public in support of a regulation promulgated under this section, specify, to the extent practicable—

''(i) each population addressed by any estimate of public health effects;

''(ii) the expected risk or central estimate of risk for the specific populations;

''(iii) each appropriate upper-bound or lower-bound estimate of risk;

''(iv) each significant uncertainty identified in the process of the assessment of public health effects and studies that would assist in resolving the uncertainty; and

''(v) peer-reviewed studies known to the Administrator that support, are directly relevant to, or fail to support any estimate of public health effects and the methodology used to reconcile inconsistencies in the scientific data.

''(C) HEALTH RISK REDUCTION AND COST ANALYSIS.—

''(i) MAXIMUM CONTAMINANT LEVELS.—When proposing any national primary drinking water regulation that includes a maximum contaminant level, the Administrator shall, with respect to a maximum contaminant level that is being considered in accordance with paragraph (4) and each alternative maximum contaminant level that is being considered pursuant to paragraph (5) or (6)(A), publish, seek public comment on, and use for the purposes of paragraphs (4), (5), and (6) an analysis of:

''(I) Quantifiable and nonquantifiable health risk reduction benefits for which there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur as the result of treatment to comply with each level.

''(II) Quantifiable and nonquantifiable health risk reduction benefits for which there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur from reductions in co-occurring contaminants that may be attributed solely to compliance with the maximum contaminant level, excluding benefits resulting from compliance with other proposed or promulgated regulations.

''(III) Quantifiable and nonquantifiable costs for which there is a factual basis in the rulemaking record to conclude that such costs are likely to occur solely as a result of compliance with the maximum contaminant level, including monitoring, treatment, and other costs and excluding costs resulting from compliance with other proposed or promulgated regulations.

''(IV) The incremental costs and benefits associated with each alternative maximum contaminant level considered.

''(V) The effects of the contaminant on the general population and on groups within the general population such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that are identified as likely to be at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population.

''(VI) Any increased health risk that may occur as the result of compliance, including risks associated with co-occurring contaminants.

''(VII) Other relevant factors, including the quality and extent of the information, the uncertainties in the analysis supporting subclauses (I) through (VI), and factors with respect to the degree and nature of the risk.

''(ii) TREATMENT TECHNIQUES.—When proposing a national primary drinking water regulation that includes a treatment technique in accordance with paragraph (7)(A), the Administrator shall publish and seek public comment on an analysis of the health risk reduction benefits and costs likely to be experienced as the result of compliance with the treatment technique and alternative treatment techniques that are being considered, taking into account, as appropriate, the factors described in clause (i).

''(iii) APPROACHES TO MEASURE AND VALUE BENEFITS.—The Administrator may identify valid approaches for the measurement and valuation of benefits under this subparagraph, including approaches to identify consumer willingness to pay for reductions in health risks from drinking water contaminants.

''(iv) AUTHORIZATION.—There are authorized to be appropriated to the Administrator, acting through the Office of Ground Water and Drinking Water, to conduct studies, assessments, and analyses in support of regulations or the development of methods, $35,000,000 for each of fiscal years 1996 through 2003.''.

**SEC. 108. RADON, ARSENIC, AND SULFATE.**

Section 1412(b) is amended by inserting after paragraph (12) the following:

''(13) CERTAIN CONTAMINANTS.—

''(A) RADON.—Any proposal published by the Administrator before the enactment of the Safe Drinking Water Act Amendments of 1996 to establish a national primary drinking water standard for radon shall be withdrawn by the Administrator. Notwithstanding any provision of any law enacted prior to the enactment of the Safe Drinking Water Act Amendments of 1996, within 3 years of such date of enactment, the Administrator shall propose and promulgate a national primary drinking water regulation for radon under this section, as amended by the Safe Drinking Water Act Amendments of 1996. In undertaking any risk analysis and benefit cost analysis in connection with the promulgation of such standard, the Administrator shall take into account the costs and benefits of control programs for radon from other sources.

''(B) ARSENIC.—(i) Notwithstanding the deadlines set forth in paragraph (1), the Administrator shall promulgate a national primary drinking water regulation for arsenic pursuant to this subsection, in accordance with the schedule established by this paragraph.

''(ii) Not later than 180 days after the date of enactment of this paragraph, the Administrator shall develop a comprehensive plan for study in support of drinking water rulemaking to reduce the uncertainty in assessing health risks associated with exposure to low levels of arsenic. In conducting such study, the Administrator shall consult with the National Academy of Sciences, other Federal agencies, and interested public and private entities.

''(iii) In carrying out the study plan, the Administrator may enter into cooperative agreements with other Federal agencies, State and local governments, and other interested public and private entities.

''(iv) The Administrator shall propose a national primary drinking water regulation for arsenic not later than January 1, 2000.

''(v) Not later than January 1, 2001, after notice and opportunity for public comment, the Administrator shall promulgate a national primary drinking water regulation for arsenic.

''(vi) There are authorized to be appropriated $2,000,000 for each of fiscal years 1997 through 2001 for the studies required by this paragraph.

''(C) SULFATE.—

''(i) ADDITIONAL STUDY.—Prior to promulgating a national primary drinking water regulation for sulfate, the Administrator and the Director of the Centers for Disease Control and Prevention shall jointly conduct an additional study to establish a reliable dose-response relationship for the adverse human health effects that may result from exposure to sulfate in drinking water, including the health effects that may be experienced by groups within the general population (including infants and travelers) that are potentially at greater risk of adverse health effects as the result of such exposure. The study shall be conducted in consultation with interested States, shall be based on the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices.

''(ii) PROPOSED AND FINAL RULE.—Notwithstanding the deadlines set forth in paragraph (1), the Administrator may, pursuant to the authorities of this subsection and after notice and opportunity for public comment, promulgate a final national primary drinking water regulation for sulfate. Any such regulation shall include requirements for public notification and options for the provision of alternative water supplies to populations at risk as a means of complying with the regulation in lieu of a best available treatment technology or other means.''.

**SEC. 109. URGENT THREATS TO PUBLIC HEALTH.**

Section 1412(b) is amended by inserting the following after paragraph (13):

''(14) URGENT THREATS TO PUBLIC HEALTH.—The Administrator may promulgate an interim national primary drinking water regulation for a contaminant without making a determination for the contaminant under paragraph (4)(C) or completing the analysis under paragraph (12)(C) to address an urgent threat to public health as determined by the Administrator after consultation with and written response to any comments provided by the Secretary of Health and Human Services, acting through the director of the Centers for Disease Control and Prevention or the director of the National Institutes of Health. A determination for any contaminant in accordance with paragraph (4)(C) subject to an interim regulation under this subparagraph shall be issued, and a completed analysis meeting the requirements of paragraph (12)(C) shall be published, not later than 3 years after the date on which the regulation is promulgated and the regulation shall be repromulgated, or revised if appropriate, not later than 5 years after that date.''.

**SEC. 110. RECYCLING OF FILTER BACKWASH.**

Section 1412(b) is amended by adding the following new paragraph after paragraph (14):

''(15) RECYCLING OF FILTER BACKWASH.—The Administrator shall promulgate a regulation to govern the recycling of filter backwash water within the treatment process of a public water system. The Administrator shall promulgate such regulation not later than 4 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1996 unless such recycling has been addressed by the Administrator's 'enhanced surface water treatment rule' prior to such date.''.

**SEC. 111. TREATMENT TECHNOLOGIES FOR SMALL SYSTEMS.**

(a) LIST OF TECHNOLOGIES FOR SMALL SYSTEMS.—Section 1412(b)(4)(E) (42 U.S.C. 300g–1(b)(4)(E)), is amended by adding at the end the following:

''(ii) The Administrator shall include in the list any technology, treatment technique, or other means that is affordable for small public water systems serving—

''(I) a population of 10,000 or fewer but more than 3,300;

''(II) a population of 3,300 or fewer but more than 500; and

''(III) a population of 500 or fewer but more than 25;

and that achieves compliance with the maximum contaminant level or treatment technique, including packaged or modular systems and point-of-entry or point-of-use treatment units. Point-of-entry and point-of-use treatment units shall be owned, controlled and maintained by the public water system or by a person under contract with the public water system to ensure proper operation and maintenance and compliance with the maximum contaminant level or treatment technique and equipped with mechanical warnings to ensure that customers are automatically notified of operational problems. If the American National Standards Institute has issued product standards applicable to a specific type of point-of-entry or point-of-use treatment unit, individual units of that type shall not be accepted for compliance with a maximum contaminant level or treatment technique requirement unless they are independently certified in accordance with such standards.

''(iii) Except as provided in clause (v), not later than 2 years after the date of the enactment of this clause and after consultation with the States, the Administrator shall issue a list of technologies that achieve compliance with the maximum contaminant level or treatment technique for each category of public water systems described in subclauses (I), (II), and (III) of clause (ii) for each national primary drinking water regulation promulgated prior to the date of the enactment of this paragraph.

''(iv) The Administrator may, at any time after a national primary drinking water regulation has been promulgated, supplement the list of technologies describing additional or new or innovative treatment technologies that meet the requirements of this paragraph for categories of small public water systems described in subclauses (I), (II) and (III) of clause (ii) that are subject to the regulation.

''(v) Within one year after the enactment of this clause, the Administrator shall list technologies that meet the surface water treatment rules for each category of public water systems described in subclauses (I), (II), and (III) of clause (ii).''.

(b) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—Section 1445 (42 U.S.C. 300j–4) is amended by adding after subsection (g):

''(h) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—For purposes of sections 1412(b)(4)(E) and 1415(e) (relating to small system assistance program), the Administrator may request information on the characteristics of commercially available treatment systems and technologies, including the effectiveness and performance of the systems and technologies under various operating conditions. The Administrator may specify the form, content, and submission date of information to be submitted by manufacturers, States, and other interested persons for the purpose of considering the systems and technologies in the development of regulations or guidance under sections 1412(b)(4)(E) and 1415(e).''.

**Subtitle B—State Primary Enforcement Responsibility for Public Water Systems**

**SEC. 121. STATE PRIMACY.**

(a) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—Section 1413 (42 U.S.C. 300g–2) is amended as follows:

(1) In subsection (a), by amending paragraph (1) to read as follows:

''(1) has adopted drinking water regulations that are no less stringent than the national primary drinking water regulations promulgated by the Administrator under subsections (a) and (b) of section 1412 not later than 2 years after the date on which the regulations are promulgated by the Administrator, except that the Administrator may provide for an extension of not more than 2 years if, after submission and review of appropriate, adequate documentation from the State, the Administrator determines that the extension is necessary and justified;''.

(2) By adding at the end the following subsection:

''(c) INTERIM PRIMARY ENFORCEMENT AUTHORITY.—A State that has primary enforcement authority under this section with respect to each existing national primary drinking water regulation shall be considered to have primary enforcement authority with respect to each new or revised national primary drinking water regulation during the period beginning on the effective date of a regulation adopted and submitted by the State with respect to the new or revised national primary drinking water regulation in accordance with subsection (b)(1) and ending at such time as the Administrator makes a determination under subsection (b)(2)(B) with respect to the regulation.''.

(b) EMERGENCY PLANS.—Section 1413(a)(5) is amended by inserting after ''emergency circumstances'' the following: ''including earthquakes, floods, hurricanes, and other natural disasters, as appropriate''.

**Subtitle C—Notification and Enforcement**

**SEC. 131. PUBLIC NOTIFICATION.**

Section 1414(c) (42 U.S.C. 300g–3(c)) is amended to read as follows:

''(c) NOTICE TO PERSONS SERVED.—

''(1) IN GENERAL.—Each owner or operator of a public water system shall give notice of each of the following to the persons served by the system:

''(A) Notice of any failure on the part of the public water system to—

''(i) comply with an applicable maximum contaminant level or treatment technique requirement of, or a testing procedure prescribed by, a national primary drinking water regulation; or

''(ii) perform monitoring required by section 1445(a).

''(B) If the public water system is subject to a variance granted under subsection (a)(1)(A), (a)(2), or (e) of section 1415 for an inability to meet a maximum contaminant level requirement or is subject to an exemption granted under section 1416, notice of—

''(i) the existence of the variance or exemption; and

''(ii) any failure to comply with the requirements of any schedule prescribed pursuant to the variance or exemption.

''(C) Notice of the concentration level of any unregulated contaminant for which the Administrator has required public notice pursuant to paragraph (2)(E).

''(2) FORM, MANNER, AND FREQUENCY OF NOTICE.—

''(A) IN GENERAL.—The Administrator shall, by regulation, and after consultation with the States, prescribe the manner, frequency, form, and content for giving notice under this subsection. The regulations shall—

''(i) provide for different frequencies of notice based on the differences between violations that are intermittent or infrequent and violations that are continuous or frequent; and

''(ii) take into account the seriousness of any potential adverse health effects that may be involved.

''(B) STATE REQUIREMENTS.—

''(i) IN GENERAL.—A State may, by rule, establish alternative notification requirements—

''(I) with respect to the form and content of notice given under and in a manner in accordance with subparagraph (C); and

''(II) with respect to the form and content of notice given under subparagraph (D).

''(ii) CONTENTS.—The alternative requirements shall provide the same type and amount of information as required pursuant to this subsection and regulations issued under subparagraph (A).

''(iii) RELATIONSHIP TO SECTION 1413.—Nothing in this subparagraph shall be construed or applied to modify the requirements of section 1413.

''(C) VIOLATIONS WITH POTENTIAL TO HAVE SERIOUS ADVERSE EFFECTS ON HUMAN HEALTH.—Regulations issued under subparagraph (A) shall specify notification procedures for each violation by a public water system that has the potential to have serious adverse effects on human health as a result of short-term exposure. Each notice of violation provided under this subparagraph shall—

''(i) be distributed as soon as practicable after the occurrence of the violation, but not later than 24 hours after the occurrence of the violation;

''(ii) provide a clear and readily understandable explanation of—

''(I) the violation;

''(II) the potential adverse effects on human health;

''(III) the steps that the public water system is taking to correct the violation; and

''(IV) the necessity of seeking alternative water supplies until the violation is corrected;

''(iii) be provided to the Administrator or the head of the State agency that has primary enforcement responsibility under section 1413 as soon as practicable, but not later than 24 hours after the occurrence of the violation; and

''(iv) as required by the State agency in general regulations of the State agency, or on a case-by-case basis after the consultation referred to in clause (iii), considering the health risks involved—

''(I) be provided to appropriate broadcast media;

''(II) be prominently published in a newspaper of general circulation serving the area not later than 1 day after distribution of a notice pursuant to clause (i) or the date of publication of the next issue of the newspaper; or

''(III) be provided by posting or door-to-door notification in lieu of notification by means of broadcast media or newspaper.

''(D) WRITTEN NOTICE.—

''(i) IN GENERAL.—Regulations issued under subparagraph (A) shall specify notification procedures for violations other than the violations covered by subparagraph (C). The procedures shall specify that a public water system shall provide written notice to each person served by the system by notice (I) in the first bill (if any) prepared after the date of occurrence of the violation, (II) in an annual report issued not later than 1 year after the date of occurrence of the violation, or (III) by mail or direct delivery as soon as practicable, but not later than 1 year after the date of occurrence of the violation.

''(ii) FORM AND MANNER OF NOTICE.—The Administrator shall prescribe the form and manner of the notice to provide a clear and

readily understandable explanation of the violation, any potential adverse health effects, and the steps that the system is taking to seek alternative water supplies, if any, until the violation is corrected.

''(E) UNREGULATED CONTAMINANTS.—The Administrator may require the owner or operator of a public water system to give notice to the persons served by the system of the concentration levels of an unregulated contaminant required to be monitored under section 1445(a).

''(3) REPORTS.—

''(A) ANNUAL REPORT BY STATE.—

''(i) IN GENERAL.—Not later than January 1, 1998, and annually thereafter, each State that has primary enforcement responsibility under section 1413 shall prepare, make readily available to the public, and submit to the Administrator an annual report on violations of national primary drinking water regulations by public water systems in the State, including violations with respect to (I) maximum contaminant levels, (II) treatment requirements, (III) variances and exemptions, and (IV) monitoring requirements determined to be significant by the Administrator after consultation with the States.

''(ii) DISTRIBUTION.—The State shall publish and distribute summaries of the report and indicate where the full report is available for review.

''(B) ANNUAL REPORT BY ADMINISTRATOR.—Not later than July 1, 1998, and annually thereafter, the Administrator shall prepare and make available to the public an annual report summarizing and evaluating reports submitted by States pursuant to subparagraph (A) and notices submitted by public water systems serving Indian Tribes provided to the Administrator pursuant to subparagraph (C) or (D) of paragraph (2) and making recommendations concerning the resources needed to improve compliance with this title. The report shall include information about public water system compliance on Indian reservations and about enforcement activities undertaken and financial assistance provided by the Administrator on Indian reservations, and shall make specific recommendations concerning the resources needed to improve compliance with this title on Indian reservations.

''(4) CONSUMER CONFIDENCE REPORTS BY COMMUNITY WATER SYSTEMS.—

''(A) ANNUAL REPORTS TO CONSUMERS.—The Administrator, in consultation with public water systems, environmental groups, public interest groups, risk communication experts, and the States, and other interested parties, shall issue regulations within 24 months after the date of the enactment of this paragraph to require each community water system to mail to each customer of the system at least once annually a report on the level of contaminants in the drinking water purveyed by that system (hereinafter in this paragraph referred to as a 'consumer confidence report'). Such regulations shall provide a brief and plainly worded definition of the terms 'maximum contaminant level goal' and 'maximum contaminant level' and brief statements in plain language regarding the health concerns that resulted in regulation of each regulated contaminant. The regulations shall also provide for an Environmental Protection Agency toll-free hot-line that consumers can call for more information and explanation.

''(B) CONTENTS OF REPORT.—The consumer confidence reports under this paragraph shall include, but not be limited to, each of the following:

''(i) Information on the source of the water purveyed.

''(ii) A brief and plainly worded definition of the terms 'maximum contaminant level goal' and 'maximum contaminant level', as provided in the regulations of the Administrator.

''(iii) If any regulated contaminant is detected in the water purveyed by the public water system, a statement setting forth (I) the maximum contaminant level goal, (II) the maximum contaminant level, (III) the level of such contaminant in such water system, and (IV) for any regulated contaminant for which there has been a violation of the maximum contaminant level during the year concerned, the brief statement in plain language regarding the health concerns that resulted in regulation of such contaminant, as provided by the Administrator in regulations under subparagraph (A).

''(iv) Information on compliance with national primary drinking water regulations.

''(v) Information on the levels of unregulated contaminants for which monitoring is required under section 1445(a)(2) (including levels of cryptosporidium and radon where States determine they may be found).

''(vi) A statement that more information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency hot line.

A public water system may include such additional information as it deems appropriate for public education. The Administrator may, for not more than 3 regulated contaminants other than those referred to in subclause (IV) of clause (iii), require a consumer confidence report under this paragraph to include the brief statement in plain language regarding the health concerns that resulted in regulation of the contaminant or contaminants concerned, as provided by the Administrator in regulations under subparagraph (A).

''(C) COVERAGE.—The Governor of a State may determine not to apply the mailing requirement of subparagraph (A) to a community water system serving fewer than 10,000 persons. Any such system shall—

''(i) inform its customers that the system will not be complying with subparagraph (A),

''(ii) make information available upon request to the public regarding the quality of the water supplied by such system, and

''(iii) publish the report referred to in subparagraph (A) annually in one or more local newspapers serving the area in which customers of the system are located.

''(D) ALTERNATIVE FORM AND CONTENT.—A State exercising primary enforcement responsibility may establish, by rule, after notice and public comment, alternative requirements with respect to the form and content of consumer confidence reports under this paragraph.''.

**SEC. 132. ENFORCEMENT.**

(a) IN GENERAL.—Section 1414 (42 U.S.C. 300g–3) is amended as follows:

(1) In subsection (a):

(A) In paragraph (1)(A)(i), by striking ''any national primary drinking water regulation in effect under section 1412'' and inserting ''any applicable requirement'', and by striking ''with such regulation or requirement'' in the matter following clause (ii) and inserting ''with the requirement''.

(B) In paragraph (1)(B), by striking ''regulation or'' and inserting ''applicable''.

(C) By amending paragraph (2) to read as follows:

''(2) ENFORCEMENT IN NONPRIMACY STATES.—

''(A) IN GENERAL.—If, on the basis of information available to the Administrator, the Administrator finds, with respect to a period in which a State does not have primary enforcement responsibility for public water systems, that a public water system in the State—

''(i) for which a variance under section 1415 or an exemption under section 1416 is not in effect, does not comply with any applicable requirement; or

''(ii) for which a variance under section 1415 or an exemption under section 1416 is in effect, does not comply with any schedule or other requirement imposed pursuant to the variance or exemption;

the Administrator shall issue an order under subsection (g) requiring the public water system to comply with the requirement, or commence a civil action under subsection (b).

''(B) NOTICE.—If the Administrator takes any action pursuant to this paragraph, the Administrator shall notify an appropriate local elected official, if any, with jurisdiction over the public water system of the action prior to the time that the action is taken.''.

(2) In subsection (b), in the first sentence, by striking ''a national primary drinking water regulation'' and inserting ''any applicable requirement''.

(3) In subsection (g):

(A) In paragraph (1), by striking ''regulation, schedule, or other'' each place it appears and inserting ''applicable''.

(B) In paragraph (2), by striking ''effect until after notice and opportunity for public hearing and,'' and inserting ''effect,'', and by striking ''proposed order'' and inserting ''order'', in the first sentence and in the second sentence, by striking ''proposed to be''.

(C) In paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) In a case in which a civil penalty sought by the Administrator under this paragraph does not exceed $5,000, the penalty shall be assessed by the Administrator after notice and opportunity for a public hearing (unless the person against whom the penalty is assessed requests a hearing on the record in accordance with section 554 of title 5, United States Code). In a case in which a civil penalty sought by the Administrator under this paragraph exceeds $5,000, but does not exceed $25,000, the penalty shall be assessed by the Administrator after notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code.''.

(D) In paragraph (3)(C), by striking ''paragraph exceeds $5,000'' and inserting ''subsection for a violation of an applicable requirement exceeds $25,000''.

(4) By adding at the end the following subsections:

''(h) RELIEF.—

''(1) IN GENERAL.—An owner or operator of a public water system may submit to the State in which the system is located (if the State has primary enforcement responsibility under section 1413) or to the Administrator (if the State does not have primary enforcement responsibility) a plan (including specific measures and schedules) for—

''(A) the physical consolidation of the system with 1 or more other systems;

''(B) the consolidation of significant management and administrative functions of the system with 1 or more other systems; or

''(C) the transfer of ownership of the system that may reasonably be expected to improve drinking water quality.

''(2) CONSEQUENCES OF APPROVAL.—If the State or the Administrator approves a plan pursuant to paragraph (1), no enforcement action shall be taken pursuant to this part with respect to a specific violation identified in the approved plan prior to the date that is the earlier of the date on which consolidation is completed according to the plan or the date that is 2 years after the plan is approved.

''(i) DEFINITION OF APPLICABLE REQUIREMENT.—In this section, the term 'applicable requirement' means—

''(1) a requirement of section 1412, 1414, 1415, 1416, 1417, 1441, or 1445;

''(2) a regulation promulgated pursuant to a section referred to in paragraph (1);

''(3) a schedule or requirement imposed pursuant to a section referred to in paragraph (1); and

''(4) a requirement of, or permit issued under, an applicable State program for which the Administrator has made a determination that the requirements of section 1413 have been satisfied, or an applicable State program approved pursuant to this part.''.

(b) STATE AUTHORITY FOR ADMINISTRATIVE PENALTIES.—Section 1413(a) (42 U.S.C. 300g–2(a)) is amended as follows:

(1) In paragraph (4), by striking ''and'' at the end thereof.

(2) In paragraph (5), by striking the period at the end and inserting ''; and''.

(3) By adding at the end the following:

''(6) has adopted authority for administrative penalties (unless the constitution of the State prohibits the adoption of the authority) in a maximum amount—

''(A) in the case of a system serving a population of more than 10,000, that is not less than $1,000 per day per violation; and

''(B) in the case of any other system, that is adequate to ensure compliance (as determined by the State);

except that a State may establish a maximum limitation on the total amount of administrative penalties that may be imposed on a public water system per violation.''.

**SEC. 133. JUDICIAL REVIEW**

Section 1448(a) (42 U.S.C. 300j–7(a)) is amended as follows:

(1) In paragraph (2), in the first sentence, by inserting ''final'' after ''any other''.

(2) In the matter after and below paragraph (2):

(A) By striking ''or issuance of the order'' and inserting ''or any other final Agency action''.

(B) By adding at the end the following: ''In any petition concerning the assessment of a civil penalty pursuant to section 1414(g)(3)(B), the petitioner shall simultaneously send a copy of the complaint by certified mail to the Administrator and the Attorney General. The court shall set aside and remand the penalty order if the court finds that there is not substantial evidence in the record to support the finding of a violation or that the assessment of the penalty by the Administrator constitutes an abuse of discretion.''.

**Subtitle D—Exemptions and Variances**

**SEC. 141. EXEMPTIONS.**

(a) SYSTEMS SERVING FEWER THAN 3,300 PERSONS.—Section 1416 is amended by adding the following at the end thereof:

''(h) SMALL SYSTEMS.—(1) For public water systems serving fewer than 3,300 persons, the maximum exemption period shall be 4 years if the State is exercising primary enforcement responsibility for public water systems and determines that—

''(A) the public water system cannot meet the maximum contaminant level or install Best Available Affordable Technology ('BAAT') due in either case to compelling economic circumstances (taking into consideration the availability of financial assistance under section 1452, relating to State Revolving Funds) or other compelling circumstances;

''(B) the public water system could not comply with the maximum contaminant level through the use of alternate water supplies;

''(C) the granting of the exemption will provide a drinking water supply that protects public health given the duration of exemption; and

''(D) the State has met the requirements of paragraph (2).

''(2)(A) Before issuing an exemption under this section or an extension thereof for a small public water system described in paragraph (1), the State shall—

''(i) examine the public water system's technical, financial, and managerial capability (taking into consideration any available financial assistance) to operate in and maintain compliance with this title, and

''(ii) determine if management or restructuring changes (or both) can reasonably be made that will result in compliance with this title or, if compliance cannot be achieved, improve the quality of the drinking water.

''(B) Management changes referred to in subparagraph (A) may include rate increases, accounting changes, the hiring of consultants, the appointment of a technician with expertise in operating such systems, contractual arrangements for a more efficient and capable system for joint operation, or other reasonable strategies to improve capacity.

''(C) Restructuring changes referred to in subparagraph (A) may include ownership change, physical consolidation with another system, or other measures to otherwise improve customer base and gain economies of scale.

''(D) If the State determines that management or restructuring changes referred to in subparagraph (A) can reasonably be made, it shall require such changes and a schedule therefore as a condition of the exemption. If the State determines to the contrary, the State may still grant the exemption. The decision of the State under this subparagraph shall not be subject to review by the Administrator, except as provided in subsection (d).

''(3) Paragraphs (1) and (3) of subsection (a) shall not apply to an exemption issued under this subsection. Subparagraph (B) of subsection (b)(2) shall not apply to an exemption issued under this subsection, but any exemption granted to such a system may be renewed for additional 4-year periods upon application of the public water system and after a determination that the criteria of paragraphs (1) and (2) of this subsection continue to be met.

''(4) No exemption may be issued under this section for microbiological contaminants.''.

(b) LIMITED ADDITIONAL COMPLIANCE PERIOD.—At the end of section 1416(h) insert:

''(5)(A) Notwithstanding this subsection, the State of New York, on a case-by-case basis and after notice and an opportunity of at least 60 days for public comment, may allow an additional period for compliance with the Surface Water Treatment Rule established pursuant to section 1412(b)(7)(C) in the case of unfiltered systems in Essex, Columbia, Greene, Dutchess, Rennsselaer, Schoharie, Saratoga, Washington, and Warren Counties serving a population of less than 5,000, which meet appropriate disinfection requirements and have adequate watershed protections, so long as the State determines that the public health will be protected during the duration of the additional compliance period and the system agrees to implement appropriate control measures as determined by the State.

''(B) The additional compliance period referred to in subparagraph (A) shall expire on the earlier of the date 3 years after the date on which the Administrator identifies appropriate control technology for the Surface Water Treatment Rule for public water systems in the category that includes such system pursuant to section 1412(b)(4)(E) or 5 years after the enactment of the Safe Drinking Water Act Amendments of 1996.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 1416(b)(1) is amended by striking ''prescribed by a State pursuant to this subsection'' and inserting ''prescribed by a State pursuant to this subsection or subsection (h)''.

(2) Section 1416(c) is amended by striking ''under subsection (a)'' and inserting ''under this section'' and by inserting after ''(a)(3)'' in the second sentence ''or the determination under subsection (h)(1)(C)''.

(3) Section 1416(d)(1) is amended by striking ''3-year'' and inserting ''4-year'' and by amending the first sentence to read as follows: ''Not later than 4 years after the date of enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall complete a comprehensive review of the exemptions granted (and schedules prescribed pursuant thereto) by the States during the 4-year period beginning on such date.''.

(4) Section 1416(b)(2)(C) is repealed.

(d) SYSTEMS SERVING MORE THAN 3,300 PERSONS.—Section 1416(b)(2)(A)(ii) is amended by striking ''12 months'' and inserting ''4 years'' and section 1416(b)(2)(B) is amended by striking ''3 years after the date of the issuance of the exemption'' and inserting ''4 years after the expiration of the initial exemption''.

**SEC. 142. VARIANCES.**

(a) BAAT VARIANCE.—Section 1415 (42 U.S.C. 300g–4) is amended by adding the following at the end thereof:

''(e) SMALL SYSTEM ASSISTANCE PROGRAM.—

''(1) BAAT VARIANCES.—In the case of public water systems serving 3,300 persons or fewer, a variance under this section shall be granted by a State which has primary enforcement responsibility for public water systems allowing the use of Best Available Affordable Technology in lieu of best technology or other means where—

''(A) no best technology or other means is listed under section 1412(b)(4)(E) for the applicable category of public water systems;

''(B) the Administrator has identified BAAT for that contaminant pursuant to paragraph (3); and

''(C) the State finds that the conditions in paragraph (4) are met.

''(2) DEFINITION OF BAAT.—The term 'Best Available Affordable Technology' or 'BAAT' means the most effective technology or other means for the control of a drinking water contaminant or contaminants that is available and affordable to systems serving fewer than 3,300 persons.

''(3) IDENTIFICATION OF BAAT.—(A) As part of each national primary drinking water regulation proposed and promulgated after the enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall identify BAAT in any case where no 'best technology or other means' is listed for a category of public water systems listed under section 1412(b)(4)(E). No such identified BAAT shall require a technology from a specific manufacturer or brand. BAAT need not be adequate to achieve the applicable maximum contaminant level or treatment technique, but shall bring the public water system as close to achievement of such maximum contaminant level as practical or as close to the level of health protection provided by such treatment technique as practical, as the case may be. Any technology or other means identified as BAAT must be determined by the Administrator to be protective of public health. Simultaneously with identification of BAAT, the Administrator shall list any assumptions underlying the public health determination referred to in the preceding sentence, where such assumptions concern the public water system to which the technology may be applied, or its source waters. The Administrator shall provide the assumptions used in determining affordability, taking into consideration the number of persons served by such systems. Such listing shall provide as much reliable information as practicable on performance, effectiveness, limitations, costs, and other

relevant factors in support of such listing, including the applicability of BAAT to surface and underground waters or both.

''(B) To the greatest extent possible, within 36 months after the date of the enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall identify BAAT for all national primary drinking water regulations promulgated prior to such date of enactment where no best technology or other means is listed for a category of public water systems under section 1412(b)(4)(E), and where compliance by such small systems is not practical. In identifying BAAT for such national primary drinking water regulations, the Administrator shall give priority to evaluation of atrazine, asbestos, selenium, pentachlorophenol, antimony, and nickel.

''(4) CONDITIONS FOR BAAT VARIANCE.—To grant a variance under this subsection, the State must determine that—

''(A) the public water system cannot install 'best technology or other means' because of the system's small size;

''(B) the public water system could not comply with the maximum contaminant level through use of alternate water supplies or through management changes or restructuring;

''(C) the public water system has the capacity to operate and maintain BAAT; and

''(D) the circumstances of the public water system are consistent with the public health assumptions identified by the Administrator under paragraph (3).

''(5) SCHEDULES.—Any variance granted by a State under this subsection shall establish a schedule for the installation and operation of BAAT within a period not to exceed 2 years after the issuance of the variance, except that the State may grant an extension of 1 additional year upon application by the system. The application shall include a showing of financial or technical need. Variances under this subsection shall be for a term not to exceed 5 years (including the period allowed for installation and operation of BAAT), but may be renewed for such additional 5-year periods by the State upon a finding that the criteria in paragraph (1) continue to be met.

''(6) REVIEW.—Any review by the Administrator under paragraphs (4) and (5) shall be pursuant to subsection (a)(1)(G)(i).

''(7) INELIGIBILITY FOR VARIANCES.—A variance shall not be available under this subsection for—

''(A) any maximum contaminant level or treatment technique for a contaminant with respect to which a national primary drinking water regulation was promulgated prior to January 1, 1986; or

''(B) a national primary drinking water regulation for a microbial contaminant (including a bacterium, virus, or other organism) or an indicator or treatment technique for a microbial contaminant.''.

(b) TECHNICAL AND CONFORMING CHANGES.—Section 1415 (42 U.S.C. 300g–4) is amended as follows:

(1) By striking ''best technology, treatment techniques, or other means'' and ''best available technology, treatment techniques or other means'' each place such terms appear and inserting in lieu thereof ''best technology or other means''.

(2) By striking the third sentence and by striking ''Before a schedule prescribed by a State pursuant to this subparagraph may take effect'' and all that follows down to the beginning of the last sentence in subsection (a)(1)(A).

(3) By amending the first sentence of subsection (a)(1)(C) to read as follows: ''Before a variance is issued and a schedule is prescribed pursuant to this subsection or subsection (e) by a State, the State shall provide notice and an opportunity for a public hearing on the proposed variance and schedule.''.

(4) By inserting ''under this section'' before the period at the end of the third sentence of subsection (a)(1)(C).

(5) By striking ''under subparagraph (A)'' and inserting ''under this section'' in subsection (a)(1)(D).

(6) By striking ''that subparagraph'' in each place it appears and insert in each such place ''this section'' in subsection (a)(1)(D).

(7) By striking the last sentence of subsection (a)(1)(D).

(8) By striking ''3-year'' and inserting ''5-year'' in subsection (a)(1)(F) and by amending the first sentence of such subsection (a)(1)(F) to read as follows: ''Not later than 5 years after the enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall complete a review of the variances granted under this section (and the schedules prescribed in connection with such variances).''.

(9) By striking ''subparagraph (A) or (B)'' and inserting ''this section'' in subsection (a)(1)(G)(i).

(10) By striking ''paragraph (1)(B) or (2) of subsection (a)'' and inserting ''this section'' in subsection (b).

(11) By striking ''subsection (a)'' and inserting ''this section'' in subsection (c).

(12) By repealing subsection (d).

### Subtitle E—Lead Plumbing and Pipes

**SEC. 151. LEAD PLUMBING AND PIPES.**

Section 1417 (42 U.S.C. 300g–6) is amended as follows:

(1) In subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) PROHIBITIONS.—

''(A) IN GENERAL.—No person may use any pipe, any pipe or plumbing fitting or fixture, any solder, or any flux, after June 19, 1986, in the installation or repair of—

''(i) any public water system; or

''(ii) any plumbing in a residential or nonresidential facility providing water for human consumption,

that is not lead free (within the meaning of subsection (d)).

''(B) LEADED JOINTS.—Subparagraph (A) shall not apply to leaded joints necessary for the repair of cast iron pipes.''.

(2) In subsection (a)(2)(A), by inserting ''owner or operator of a'' after ''Each''.

(3) By adding at the end of subsection (a) the following:

''(3) UNLAWFUL ACTS.—Effective 2 years after the date of enactment of this paragraph, it shall be unlawful—

''(A) for any person to introduce into commerce any pipe, or any pipe or plumbing fitting or fixture, that is not lead free, except for a pipe that is used in manufacturing or industrial processing;

''(B) for any person engaged in the business of selling plumbing supplies, except manufacturers, to sell solder or flux that is not lead free; or

''(C) for any person to introduce into commerce any solder or flux that is not lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.''.

(4) In subsection (d)—

(A) by striking ''lead, and'' in paragraph (1) and inserting ''lead;'';

(B) by striking ''lead.'' in paragraph (2) and inserting ''lead; and''; and

(C) by adding at the end the following:

''(3) when used with respect to plumbing fittings and fixtures, refers to plumbing fittings and fixtures in compliance with standards established in accordance with subsection (e).''.

(5) By adding at the end the following:

''(e) PLUMBING FITTINGS AND FIXTURES.—

''(1) IN GENERAL.—The Administrator shall provide accurate and timely technical information and assistance to qualified third-party certifiers in the development of voluntary standards and testing protocols for the leaching of lead from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion.

''(2) STANDARDS.—

''(A) IN GENERAL.—If a voluntary standard for the leaching of lead is not established by the date that is 1 year after the date of enactment of this subsection, the Administrator shall, not later than 2 years after the date of enactment of this subsection, promulgate regulations setting a health-effects-based performance standard establishing maximum leaching levels from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion. The standard shall become effective on the date that is 5 years after the date of promulgation of the standard.

''(B) ALTERNATIVE REQUIREMENT.—If regulations are required to be promulgated under subparagraph (A) and have not been promulgated by the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a new plumbing fitting or fixture, intended by the manufacturer to dispense water for human ingestion, that contains more than 4 percent lead by dry weight.''.

### Subtitle F—Capacity Development

**SEC. 161. CAPACITY DEVELOPMENT.**

Part B (42 U.S.C. 300g et seq.) is amended by adding at the end the following:

**''SEC. 1419. CAPACITY DEVELOPMENT.**

''(a) STATE AUTHORITY FOR NEW SYSTEMS.—Each State shall obtain the legal authority or other means to ensure that all new community water systems and new nontransient, noncommunity water systems commencing operation after October 1, 1999, demonstrate technical, managerial, and financial capacity with respect to each national primary drinking water regulation in effect, or likely to be in effect, on the date of commencement of operations.

''(b) SYSTEMS IN SIGNIFICANT NONCOMPLIANCE.—

''(1) LIST.—Beginning not later than 1 year after the date of enactment of this section, each State shall prepare, periodically update, and submit to the Administrator a list of community water systems and nontransient, noncommunity water systems that have a history of significant noncompliance with this title (as defined in guidelines issued prior to the date of enactment of this section or any revisions of the guidelines that have been made in consultation with the States) and, to the extent practicable, the reasons for noncompliance.

''(2) REPORT.—Not later than 5 years after the date of enactment of this section and as part of the capacity development strategy of the State, each State shall report to the Administrator on the success of enforcement mechanisms and initial capacity development efforts in assisting the public water systems listed under paragraph (1) to improve technical, managerial, and financial capacity.

''(c) CAPACITY DEVELOPMENT STRATEGY.—

''(1) IN GENERAL.—Not later than 4 years after the date of enactment of this section, each State shall develop and implement a strategy to assist public water systems in acquiring and maintaining technical, managerial, and financial capacity.

''(2) CONTENT.—In preparing the capacity development strategy, the State shall consider, solicit public comment on, and include as appropriate—

''(A) the methods or criteria that the State will use to identify and prioritize the public water systems most in need of improving technical, managerial, and financial capacity;

''(B) a description of the institutional, regulatory, financial, tax, or legal factors at the Federal, State, or local level that encourage or impair capacity development;

''(C) a description of how the State will use the authorities and resources of this title or other means to—

''(i) assist public water systems in complying with national primary drinking water regulations;

''(ii) encourage the development of partnerships between public water systems to enhance the technical, managerial, and financial capacity of the systems; and

''(iii) assist public water systems in the training and certification of operators;

''(D) a description of how the State will establish a baseline and measure improvements in capacity with respect to national primary drinking water regulations and State drinking water law; and

''(E) an identification of the persons that have an interest in and are involved in the development and implementation of the capacity development strategy (including all appropriate agencies of Federal, State, and local governments, private and nonprofit public water systems, and public water system customers).

''(3) REPORT.—Not later than 2 years after the date on which a State first adopts a capacity development strategy under this subsection, and every 3 years thereafter, the head of the State agency that has primary responsibility to carry out this title in the State shall submit to the Governor a report that shall also be available to the public on the efficacy of the strategy and progress made toward improving the technical, managerial, and financial capacity of public water systems in the State.

''(4) REVIEW.—The decisions of the State under this section regarding any particular public water system are not subject to review by the Administrator and may not serve as the basis for withholding funds under section 1452(a)(1)(H)(i).

''(d) FEDERAL ASSISTANCE.—

''(1) IN GENERAL.—The Administrator shall support the States in developing capacity development strategies.

''(2) INFORMATIONAL ASSISTANCE.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall—

''(i) conduct a review of State capacity development efforts in existence on the date of enactment of this section and publish information to assist States and public water systems in capacity development efforts; and

''(ii) initiate a partnership with States, public water systems, and the public to develop information for States on recommended operator certification requirements.

''(B) PUBLICATION OF INFORMATION.—The Administrator shall publish the information developed through the partnership under subparagraph (A)(ii) not later than 18 months after the date of enactment of this section.

''(3) PROMULGATION OF DRINKING WATER REGULATIONS.—In promulgating a national primary drinking water regulation, the Administrator shall include an analysis of the likely effect of compliance with the regulation on the technical, financial, and managerial capacity of public water systems.

''(4) GUIDANCE FOR NEW SYSTEMS.—Not later than 2 years after the date of enactment of this section, the Administrator shall publish guidance developed in consultation with the States describing legal authorities and other means to ensure that all new community water systems and new nontransient, noncommunity water systems demonstrate technical, managerial, and financial capacity with respect to national primary drinking water regulations.''.

## TITLE II—AMENDMENTS TO PART C

**SEC. 201. SOURCE WATER QUALITY ASSESSMENT.**

(a) GUIDELINES AND PROGRAMS.—Section 1428 is amended by adding ''**and source water**'' after ''**WELLHEAD**'' in the section heading and by adding at the end thereof the following:

''(l) SOURCE WATER ASSESSMENT.—

''(1) GUIDANCE.—Within 12 months after enactment of the Safe Drinking Water Act Amendments of 1996, after notice and comment, the Administrator shall publish guidance for States exercising primary enforcement responsibility for public water systems to carry out directly or through delegation (for the protection and benefit of public water systems and for the support of monitoring flexibility) a source water assessment program within the State's boundaries.

''(2) PROGRAM REQUIREMENTS.—A source water assessment program under this subsection shall—

''(A) delineate the boundaries of the assessment areas in such State from which one or more public water systems in the State receive supplies of drinking water, using all reasonably available hydrogeologic information on the sources of the supply of drinking water in the State and the water flow, recharge, and discharge and any other reliable information as the State deems necessary to adequately determine such areas; and

''(B) identify for contaminants regulated under this title for which monitoring is required under this title (or any unregulated contaminants selected by the State in its discretion which the State, for the purposes of this subsection, has determined may present a threat to public health), to the extent practical, the origins within each delineated area of such contaminants to determine the susceptibility of the public water systems in the delineated area to such contaminants.

''(3) APPROVAL, IMPLEMENTATION, AND MONITORING RELIEF.—A State source water assessment program under this subsection shall be submitted to the Administrator within 18 months after the Administrator's guidance is issued under this subsection and shall be deemed approved 9 months after the date of such submittal unless the Administrator disapproves the program as provided in subsection (c). States shall begin implementation of the program immediately after its approval. The Administrator's approval of a State program under this subsection shall include a timetable, established in consultation with the State, allowing not more than 2 years for completion after approval of the program. Public water systems seeking monitoring relief in addition to the interim relief provided under section 1418(a) shall be eligible for monitoring relief, consistent with section 1418(b), upon completion of the assessment in the delineated source water assessment area or areas concerned.

''(4) TIMETABLE.—The timetable referred to in paragraph (3) shall take into consideration the availability to the State of funds under section 1452 (relating to State Revolving Funds) for assessments and other relevant factors. The Administrator may extend any timetable included in a State program approved under paragraph (3) to extend the period for completion by an additional 18 months. Compliance with subsection (g) shall not affect any State permanent monitoring flexibility program approved under section 1418(b).

''(5) DEMONSTRATION PROJECT.—The Administrator shall, as soon as practicable, conduct a demonstration project, in consultation with other Federal agencies, to demonstrate the most effective and protective means of assessing and protecting source waters serving large metropolitan areas and located on Federal lands.

''(6) USE OF OTHER PROGRAMS.—To avoid duplication and to encourage efficiency, the program under this section shall, to the extent practicable, be coordinated with other existing programs and mechanisms, and may make use of any of the following:

''(A) Vulnerability assessments, sanitary surveys, and monitoring programs.

''(B) Delineations or assessments of ground water sources under a State wellhead protection program developed pursuant to this section.

''(C) Delineations or assessments of surface or ground water sources under a State pesticide management plan developed pursuant to the Pesticide and Ground Water State Management Plan Regulation (subparts I and J of part 152 of title 40, Code of Federal Regulations), promulgated under section 3(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(d)).

''(D) Delineations or assessments of surface water sources under a State watershed initiative or to satisfy the watershed criterion for determining if filtration is required under the Surface Water Treatment Rule (section 141.70 of title 40, Code of Federal Regulations).

''(7) PUBLIC AVAILABILITY.—The State shall make the results of the source water assessments conducted under this subsection available to the public.''.

(b) APPROVAL AND DISAPPROVAL OF STATE PROGRAMS.—Section 1428 is amended as follows:

(1) Amend the first sentence of subsection (c)(1) to read as follows: ''If, in the judgment of the Administrator, a State program or portion thereof under subsection (a) is not adequate to protect public water systems as required by subsection (a) or a State program under subsection (l) or section 1418(b) does not meet the applicable requirements of subsection (l) or section 1418(b), the Administrator shall disapprove such program or portion thereof.''.

(2) Add after the second sentence of subsection (c)(1) the following: ''A State program developed pursuant to subsection (l) or section 1418(b) shall be deemed to meet the applicable requirements of subsection (l) or section 1418(b) unless the Administrator determines within 9 months of the receipt of the program that such program (or portion thereof) does not meet such requirements.''.

(3) In the third sentence of subsection (c)(1) and in subsection (c)(2) strike ''is inadequate'' and insert ''is disapproved''.

(4) In subsection (b), add the following before the period at the end of the first sentence: ''and source water assessment programs under subsection (l)''.

(5) In subsection (g)—

(A) insert after ''under this section'' the following: ''and the State source water assessment programs under subsection (l) for which the State uses grants under section 1452 (relating to State Revolving Funds)''; and

(B) strike ''Such'' in the last sentence and inserting ''In the case of wellhead protection programs, such''.

**SEC. 202. FEDERAL FACILITIES.**

(a) IN GENERAL.—Part C (42 U.S.C. 300h et seq.) is amended by adding at the end thereof the following new section:

**"SEC. 1429. FEDERAL FACILITIES.**

''(a) IN GENERAL.—Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government—

''(1) owning or operating any facility in a wellhead protection area,

''(2) engaged in any activity at such facility resulting, or which may result, in the contamination of water supplies in any such area, or

''(3) owning or operating any public water system,

shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting the protection of such wellhead areas and respecting such public water systems in the same manner and to the same extent as any person is subject to such requirements, including the payment of reasonable service charges. The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations. The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order or civil or administrative penalty or fine referred to in the preceding sentence, or reasonable service charge). The reasonable service charges referred to in this subsection include, but are not limited to, fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local regulatory program respecting the protection of wellhead areas or public water systems. Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal Court with respect to the enforcement of any such injunctive relief. No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local law concerning the protection of wellhead areas or public water systems with respect to any act or omission within the scope of the official duties of the agent, employee, or officer. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State requirement adopted pursuant to this title, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction. The President may exempt any facility of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods not to exceed 1 year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

''(b) ADMINISTRATIVE PENALTY ORDERS.—

''(1) IN GENERAL.—If the Administrator finds that a Federal agency has violated an applicable requirement under this title, the Administrator may issue a penalty order assessing a penalty against the Federal agency.

''(2) PENALTIES.—The Administrator may, after notice to the agency, assess a civil penalty against the agency in an amount not to exceed $25,000 per day per violation.

''(3) PROCEDURE.—Before an administrative penalty order issued under this subsection becomes final, the Administrator shall provide the agency an opportunity to confer with the Administrator and shall provide the agency notice and an opportunity for a hearing on the record in accordance with chapters 5 and 7 of title 5, United States Code.

''(4) PUBLIC REVIEW.—

''(A) IN GENERAL.—Any interested person may obtain review of an administrative penalty order issued under this subsection. The review may be obtained in the United States District Court for the District of Columbia or in the United States District Court for the district in which the violation is alleged to have occurred by the filing of a complaint with the court within the 30-day period beginning on the date the penalty order becomes final. The person filing the complaint shall simultaneously send a copy of the complaint by certified mail to the Administrator and the Attorney General.

''(B) RECORD.—The Administrator shall promptly file in the court a certified copy of the record on which the order was issued.

''(C) STANDARD OF REVIEW.—The court shall not set aside or remand the order unless the court finds that there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or that the assessment of the penalty by the Administrator constitutes an abuse of discretion.

''(D) PROHIBITION ON ADDITIONAL PENALTIES.—The court may not impose an additional civil penalty for a violation that is subject to the order unless the court finds that the assessment constitutes an abuse of discretion by the Administrator.

''(c) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM FEDERAL GOVERNMENT.—Unless a State law in effect on the date of the enactment of the Safe Drinking Water Act Amendments of 1996 or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of any substantive or procedural requirement referred to in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.''.

(b) CITIZEN ENFORCEMENT.—(1) The first sentence of section 1449(a) (42 U.S.C. 300j–8(a)) is amended—

(A) in paragraph (1), by striking '', or'' and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(3) for the collection of a penalty by the United States Government (and associated costs and interest) against any Federal agency that fails, by the date that is 18 months after the effective date of a final order to pay a penalty assessed by the Administrator under section 1429(b), to pay the penalty.''.

(2) Subsection (b) of section 1449 (42 U.S.C. 300j–8(b)) is amended, by striking the period at the end of paragraph (2) and inserting ''; or'' and by adding the following new paragraph after paragraph (2):

''(3) under subsection (a)(3) prior to 60 days after the plaintiff has given notice of such action to the Attorney General and to the Federal agency.''.

(c) CONFORMING AMENDMENTS.—Section 1447 (42 U.S.C. 300j–6) is amended as follows:

(1) In subsection (a):

(A) In the first sentence, by striking ''(1) having jurisdiction over any federally owned or maintained public water system or (2)''.

(B) In the first sentence, by striking out ''respecting the provision of safe drinking water and''.

(C) In the second sentence, by striking ''(A)'', ''(B)'', and ''(C)'' and inserting ''(1)'', ''(2)'', and ''(3)'', respectively.

(2) In subsection (c), by striking ''the Safe Drinking Water Amendments of 1977'' and inserting ''this title'' and by striking ''this Act'' and inserting ''this title''.

## TITLE III—GENERAL PROVISIONS REGARDING SAFE DRINKING WATER ACT

**SEC. 301. OPERATOR CERTIFICATION.**

Section 1442 is amended by adding the following after subsection (e):

''(f) MINIMUM STANDARDS.—(1) Not later than 30 months after the date of enactment of the Safe Drinking Water Act Amendments of 1996 and after consultation with States exercising primary enforcement responsibility for public water systems, the Administrator shall promulgate regulations specifying minimum standards for certification (and recertification) of the operators of community and nontransient noncommunity public water systems. Such regulations shall take into account existing State programs, the complexity of the system and other factors aimed at providing an effective program at reasonable cost to States and public water systems, taking into account the size of the system.

''(2) Any State exercising primary enforcement responsibility for public water systems shall adopt and implement, within 2 years after the promulgation of regulations pursuant to paragraph (1), requirements for the certification of operators of community and nontransient noncommunity public water systems.

''(3) For any State exercising primary enforcement responsibility for public water systems which has an operator certification program in effect on the date of the enactment of the Safe Drinking Water Act Amendments of 1996, the regulations under paragraph (1) shall allow the State to enforce such program in lieu of the regulations under paragraph (1) if the State submits the program to the Administrator within 18 months after the promulgation of such regulations unless the Administrator determines (within 9 months after the State submits the program to the Administrator) that such program is not substantially equivalent to such regulations. In making this determination, such existing State programs shall be presumed to be substantially equivalent to the regulations, notwithstanding program differences, based on the size of systems or the quality of source water, providing State programs meet overall public health objectives of the regulations. If disapproved the program may be resubmitted within 6 months after receipt of notice of disapproval.''.

**SEC. 302. TECHNICAL ASSISTANCE.**

Section 1442(e) (42 U.S.C. 300j–1(e)), relating to technical assistance for small systems, is amended to read as follows:

''(e) TECHNICAL ASSISTANCE.—The Administrator may provide technical assistance to small public water systems to enable such systems to achieve and maintain compliance with applicable national primary drinking water regulations. Such assistance may include circuit-rider programs, training, and preliminary engineering evaluations. There is authorized to be appropriated to the Administrator to be used for such technical assistance $15,000,000 for fiscal years 1997 through 2003. No portion of any State revolving fund established under section 1452 (relating to State revolving funds) and no portion of any funds made available under this subsection may be used either directly or indirectly for lobbying expenses. Of the total amount appropriated under this subsection, 3 percent shall be used for technical assistance to public water systems owned or operated by Indian tribes.''.

**SEC. 303. PUBLIC WATER SYSTEM SUPERVISION PROGRAM.**

Section 1443(a) (42 U.S.C. 300j–2(a)) is amended as follows:

(1) Paragraph (7) is amended to read as follows:

''(7) AUTHORIZATION.—FOR THE PURPOSE of making grants under paragraph (1), there are authorized to be appropriated $100,000,000 for each of fiscal years 1997 through 2003.''.

(2) By adding at the end the following:

''(8) RESERVATION OF FUNDS BY THE ADMINISTRATOR.—If the Administrator assumes the primary enforcement responsibility of a State public water system supervision program, the Administrator may reserve from funds made available pursuant to this subsection, an amount equal to the amount that would otherwise have been provided to the State pursuant to this subsection. The Administrator shall use the funds reserved pursuant to this paragraph to ensure the full and effective administration of a public water system supervision program in the State.

''(9) STATE LOAN FUNDS.—For any fiscal year for which the amount made available to the Administrator by appropriations to carry out this subsection is less than the amount that the Administrator determines is necessary to supplement funds made available pursuant to paragraph (8) to ensure the full and effective administration of a public water system supervision program in a State, the Administrator may reserve from the funds made available to the State under section 1452 (relating to State revolving funds) an amount that is equal to the amount of the shortfall. This paragraph shall not apply to any State not exercising primary enforcement responsibility for public water systems as of the date of enactment of the Safe Drinking Water Amendments of 1996.''.

**SEC. 304. MONITORING AND INFORMATION GATHERING.**

(a) REVIEW OF EXISTING REQUIREMENTS.—Paragraph (1) of section 1445(a) (42 U.S.C. 300j–4(a)(1)) is amended to read as follows:

''(1)(A) Every person who is subject to any requirement of this title or who is a grantee, shall establish and maintain such records, make such reports, conduct such monitoring, and provide such information as the Administrator may reasonably require by regulation to assist the Administrator in establishing regulations under this title, in determining whether such person has acted or is acting in compliance with this title, in administering any program of financial assistance under this title, in evaluating the health risks of unregulated contaminants, or in advising the public of such risks. In requiring a public water system to monitor under this subsection, the Administrator may take into consideration the system size and the contaminants likely to be found in the system's drinking water.

''(B) Every person who is subject to a national primary drinking water regulation under section 1412 shall provide such information as the Administrator may reasonably require, after consultation with the State in which such person is located if such State has primary enforcement responsibility for public water systems, on a case-by-case basis, to determine whether such person has acted or is acting in compliance with this title.

''(C) Every person who is subject to a national primary drinking water regulation under section 1412 shall provide such information as the Administrator may reasonably require to assist the Administrator in establishing regulations under section 1412 of this title, after consultation with States and suppliers of water. The Administrator may not require under this subparagraph the installation of treatment equipment or process changes, the testing of treatment technology, or the analysis or processing of monitoring samples, except where the Administrator provides the funding for such activities. Before exercising this authority, the Administrator shall first seek to obtain the information by voluntary submission.

''(D) The Administrator shall not later than 2 years after the date of enactment of this sentence, after consultation with public health experts, representatives of the general public, and officials of State and local governments, review the monitoring requirements for not fewer than 12 contaminants identified by the Administrator, and promulgate any necessary modifications.''.

(b) MONITORING RELIEF.—Part B is amended by adding the following new section after section 1417:

**''SEC. 1418. MONITORING OF CONTAMINANTS.**

''(a) INTERIM MONITORING RELIEF AUTHORITY.—(1) A State exercising primary enforcement responsibility for public water systems may modify the monitoring requirements for any regulated or unregulated contaminants for which monitoring is required other than microbial contaminants (or indicators thereof), disinfectants and disinfection byproducts or corrosion byproducts for an interim period to provide that any public water system serving 10,000 persons or fewer shall not be required to conduct additional quarterly monitoring during an interim relief period for such contaminants if—

''(A) monitoring, conducted at the beginning of the period for the contaminant concerned and certified to the State by the public water system, fails to detect the presence of the contaminant in the ground or surface water supplying the public water system, and

''(B) the State, (considering the hydrogeology of the area and other relevant factors), determines in writing that the contaminant is unlikely to be detected by further monitoring during such period.

''(2) The interim relief period referred to in paragraph (1) shall terminate when permanent monitoring relief is adopted and approved for such State, or at the end of 36 months after the enactment of the Safe Drinking Water Act Amendments of 1996, whichever comes first. In order to serve as a basis for interim relief, the monitoring conducted at the beginning of the period must occur at the time determined by the State to be the time of the public water system's greatest vulnerability to the contaminant concerned in the relevant ground or surface water, taking into account in the case of pesticides the time of application of the pesticide for the source water area and the travel time for the pesticide to reach such waters and taking into account, in the case of other contaminants, seasonality of precipitation and contaminant travel time.

''(b) PERMANENT MONITORING RELIEF AUTHORITY.—(1) Each State exercising primary enforcement responsibility for public water systems under this title and having an approved wellhead protection program and a source water assessment program may adopt, in accordance with guidance published by the Administrator, and submit to the Administrator as provided in section 1428(c), tailored alternative monitoring requirements for public water systems in such State (as an alternative to the monitoring requirements for chemical contaminants set forth in the applicable national primary drinking water regulations) where the State concludes that (based on data available at the time of adoption concerning susceptibility, use, occurrence, wellhead protection, or from the State's drinking water source water assessment program) such alternative monitoring would provide assurance that it complies with the Administrator's guidelines. The State program must be adequate to assure compliance with, and enforcement of, applicable national primary drinking water regulations. Alternative monitoring shall not apply to regulated microbiological contaminants (or indicators thereof), disinfectants and disinfection by-products, or corrosion by-products. The preceding sentence is not intended to limit other authority of the Administrator under other provisions of this title to grant monitoring flexibility.

''(2)(A) The Administrator shall issue, after notice and comment and at the same time as guidelines are issued for source water assessment under section 1428(l), guidelines for States to follow in proposing alternative monitoring requirements under paragraph (1) of this subsection for chemical contaminants. The Administrator shall publish such guidelines in the Federal Register. The guidelines shall assure that the public health will be protected from drinking water contamination. The guidelines shall require that a State alternative monitoring program apply on a contaminant-by-contaminant basis and that, to be eligible for such alternative monitoring program, a public water system must show the State that the contaminant is not present in the drinking water supply or, if present, it is reliably and consistently below the maximum contaminant level.

''(B) For purposes of subparagraph (A), the phrase 'reliably and consistently below the maximum contaminant level' means that, although contaminants have been detected in a water supply, the State has sufficient knowledge of the contamination source and extent of contamination to predict that the maximum contaminant level will not be exceeded. In determining that a contaminant is reliably and consistently below the maximum contaminant level, States shall consider the quality and completeness of data, the length of time covered and the volatility or stability of monitoring results during that time, and the proximity of such results to the maximum contaminant level. Wide variations in the analytical results, or analytical results close to the maximum contaminant level, shall not be considered to be reliably and consistently below the maximum contaminant level.

''(3) The guidelines issued by the Administrator under paragraph (2) shall require that if, after the monitoring program is in effect and operating, a contaminant covered by the alternative monitoring program is detected at levels at or above the maximum contaminant level or is no longer reliably or consistently below the maximum contaminant level, the public water system must either—

''(A) demonstrate that the contamination source has been removed or that other action

has been taken to eliminate the contamination problem, or

''(B) test for the detected contaminant pursuant to the applicable national primary drinking water regulation.

''(c) TREATMENT AS NPDWR.—All monitoring relief granted by a State to a public water system for a regulated contaminant under subsection (a) or (b) shall be treated as part of the national primary drinking water regulation for that contaminant.

''(d) OTHER MONITORING RELIEF.—Nothing in this section shall be construed to affect the authority of the States under applicable national primary drinking water regulations to alter monitoring requirements through waivers or other existing authorities. The Administrator shall periodically review and, as appropriate, revise such authorities.''.

(c) UNREGULATED CONTAMINANTS.—Section 1445(a) (42 U.S.C. 300j–4(a)) is amended by striking paragraphs (2) through (8) and inserting the following:

''(2) MONITORING PROGRAM FOR UNREGULATED CONTAMINANTS.—

''(A) ESTABLISHMENT.—The Administrator shall promulgate regulations establishing the criteria for a monitoring program for unregulated contaminants. The regulations shall require monitoring of drinking water supplied by public water systems and shall vary the frequency and schedule for monitoring requirements for systems based on the number of persons served by the system, the source of supply, and the contaminants likely to be found.

''(B) MONITORING PROGRAM FOR CERTAIN UNREGULATED CONTAMINANTS.—

''(i) INITIAL LIST.—Not later than 3 years after the date of enactment of the Safe Drinking Water Amendments of 1996 and every 5 years thereafter, the Administrator shall issue a list pursuant to subparagraph (A) of not more than 40 unregulated contaminants to be monitored by public water systems and to be included in the national drinking water occurrence data base maintained pursuant to subsection (g).

''(ii) GOVERNORS' PETITION.—The Administrator shall include among the list of contaminants for which monitoring is required under this paragraph each contaminant recommended in a petition signed by the Governor of each of 7 or more States, unless the Administrator determines that the action would prevent the listing of other contaminants of a higher public health concern.

''(C) MONITORING PLAN FOR SMALL AND MEDIUM SYSTEMS.—

''(i) IN GENERAL.—Based on the regulations promulgated by the Administrator, each State shall develop a representative monitoring plan to assess the occurrence of unregulated contaminants in public water systems that serve a population of 10,000 or fewer. The plan shall require monitoring for systems representative of different sizes, types, and geographic locations in the State.

''(ii) GRANTS FOR SMALL SYSTEM COSTS.—From funds appropriated under subparagraph (H), the Administrator shall pay the reasonable cost of such testing and laboratory analysis as are necessary to carry out monitoring under the plan.

''(D) MONITORING RESULTS.—Each public water system that conducts monitoring of unregulated contaminants pursuant to this paragraph shall provide the results of the monitoring to the primary enforcement authority for the system.

''(E) NOTIFICATION.—Notification of the availability of the results of monitoring programs required under paragraph (2)(A) shall be given to the persons served by the system and the Administrator.

''(F) WAIVER OF MONITORING REQUIREMENT.—The Administrator shall waive the requirement for monitoring for a contaminant under this paragraph in a State, if the State demonstrates that the criteria for listing the contaminant do not apply in that State.

''(G) ANALYTICAL METHODS.—The State may use screening methods approved by the Administrator under subsection (i) in lieu of monitoring for particular contaminants under this paragraph.

''(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $10,000,000 for each of the fiscal years 1997 through 2003.''.

(d) SCREENING METHODS.—Section 1445 (42 U.S.C. 300j–4) is amended by adding the following after subsection (h):

''(i) SCREENING METHODS.—The Administrator shall review new analytical methods to screen for regulated contaminants and may approve such methods as are more accurate or cost-effective than established reference methods for use in compliance monitoring.''.

**SEC. 305. OCCURRENCE DATA BASE.**

Section 1445 is amended by adding the following new subsection after subsection (f):

''(g) NATIONAL DRINKING WATER OCCURRENCE DATA BASE.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall assemble and maintain a national drinking water occurrence data base, using information on the occurrence of both regulated and unregulated contaminants in public water systems obtained under subsection (a)(1)(A) or subsection (a)(2) and reliable information from other public and private sources.

''(2) PUBLIC INPUT.—In establishing the occurrence data base, the Administrator shall solicit recommendations from the Science Advisory Board, the States, and other interested parties concerning the development and maintenance of a national drinking water occurrence data base, including such issues as the structure and design of the data base, data input parameters and requirements, and the use and interpretation of data.

''(3) USE.—The data shall be used by the Administrator in making determinations under section 1412(b)(3) with respect to the occurrence of a contaminant in drinking water at a level of public health concern.

''(4) PUBLIC RECOMMENDATIONS.—The Administrator shall periodically solicit recommendations from the appropriate officials of the National Academy of Sciences and the States, and any person may submit recommendations to the Administrator, with respect to contaminants that should be included in the national drinking water occurrence data base, including recommendations with respect to additional unregulated contaminants that should be listed under subsection (a)(2). Any recommendation submitted under this clause shall be accompanied by reasonable documentation that—

''(A) the contaminant occurs or is likely to occur in drinking water; and

''(B) the contaminant poses a risk to public health.

''(5) PUBLIC AVAILABILITY.—The information from the data base shall be available to the public in readily accessible form.

''(6) REGULATED CONTAMINANTS.—With respect to each contaminant for which a national primary drinking water regulation has been established, the data base shall include information on the detection of the contaminant at a quantifiable level in public water systems (including detection of the contaminant at levels not constituting a violation of the maximum contaminant level for the contaminant).

''(7) UNREGULATED CONTAMINANTS.—With respect to contaminants for which a national primary drinking water regulation has not been established, the data base shall include—

''(A) monitoring information collected by public water systems that serve a population of more than 3,300, as required by the Administrator under subsection (a);

''(B) monitoring information collected by the States from a representative sampling of public water systems that serve a population of 3,300 or fewer; and

''(C) other reliable and appropriate monitoring information on the occurrence of the contaminants in public water systems that is available to the Administrator.''.

**SEC. 306. CITIZENS SUITS.**

Section 1449 (42 U.S.C. 300j-8) is amended by inserting '', or a State'' after ''prosecuting a civil action in a court of the United States'' in subsection (b)(1)(B).

**SEC. 307. WHISTLE BLOWER.**

(a) WHISTLE BLOWER.—Section 1450(i) is amended as follows:

(1) Amend paragraph (2)(A) by striking ''30 days'' and inserting ''180 days'' and by inserting before the period at the end ''and the Environmental Protection Agency''.

(2) Amend paragraph (2)(B)(i) by inserting before the last sentence the following: ''Upon conclusion of such hearing and the issuance of a recommended decision that the complaint has merit, the Secretary shall issue a preliminary order providing the relief prescribed in clause (ii), but may not order compensatory damages pending a final order.''.

(3) Amend paragraph (2)(B)(ii) by inserting ''and'' before ''(III)'' and by striking ''compensatory damages, and (IV) where appropriate, exemplary damages'' and inserting ''and the Secretary may order such person to provide compensatory damages to the complainant''.

(4) Redesignate paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively, and insert after paragraph (2) the following:

''(3)(A) The Secretary shall dismiss a complaint filed under paragraph (1), and shall not conduct the investigation required under paragraph (2), unless the complainant has made a prima facie showing that any behavior described in subparagraphs (A) through (C) of paragraph (1) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(B) Notwithstanding a finding by the Secretary that the complaint has made the showing required by paragraph (1)(A), no investigation required under paragraph (2) shall be conducted if the employer demonstrates, by clear and convincing evidence, that it would have taken the same unfavorable personnel action in the absence of such behavior.

''(C) The Secretary may determine that a violation of paragraph (1) has occurred only if the complainant has demonstrated that any behavior described in subparagraphs (A) through (C) of paragraph (1) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(D) Relief may not be ordered under paragraph (2) if the employer demonstrates clear and convincing evidence that it would have taken the same unfavorable personnel action in the absence of such behavior.''.

(5) Add at the end the following:

''(8) This subsection may not be construed to expand, diminish, or otherwise affect any right otherwise available to an employee under Federal or State law to reduce the employee's discharge or other discriminatory action taken by the employer against the employee. The provisions of this subsection shall be prominently posted in any place of employment to which this subsection applies.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to claims filed under section 1450(i) of the Public Health Service Act on or after the date of the enactment of this Act.

**SEC. 308. STATE REVOLVING FUNDS.**

Part E (42 U.S.C. 300j et seq.) is amended by adding the following new section after section 1451:

**"SEC. 1452. STATE REVOLVING FUNDS.**

''(a) GENERAL AUTHORITY.—

''(1) GRANTS TO STATES TO ESTABLISH REVOLVING FUNDS.—(A) The Administrator shall enter into agreements with eligible States to make capitalization grants, including letters of credit, to the States under this subsection solely to further the health protection objectives of this title, promote the efficient use of fund resources, and for such other purposes as are specified in this title.

''(B) To be eligible to receive a capitalization grant under this section, a State shall establish a drinking water treatment revolving loan fund and comply with the other requirements of this section.

''(C) Such a grant to a State shall be deposited in the drinking water treatment revolving fund established by the State, except as otherwise provided in this section and in other provisions of this title. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any State revolving fund.

''(D) Such a grant to a State shall be available to the State for obligation during the fiscal year for which the funds are authorized and during the following fiscal year, except that grants made available from funds provided in Public Law 103–327, Public Law 103–124, and Public Law 104–134 shall be available for obligation during each of the fiscal years 1997 and 1998.

''(E) Except as otherwise provided in this section, funds made available to carry out this part shall be allotted to States that have entered into an agreement pursuant to this section in accordance with—

''(i) for each of fiscal years 1995 through 1997, a formula that is the same as the formula used to distribute public water system supervision grant funds under section 1443 in fiscal year 1995, except that the minimum proportionate share established in the formula shall be 1 percent of available funds and the formula shall be adjusted to include a minimum proportionate share for the State of Wyoming; and

''(ii) for fiscal year 1998 and each subsequent fiscal year, a formula that allocates to each State the proportional share of the State needs identified in the most recent survey conducted pursuant to section 1452(h), except that the minimum proportionate share provided to each State shall be the same as the minimum proportionate share provided under clause (i).

''(F) Such grants not obligated by the last day of the period for which the grants are available shall be reallotted according to the appropriate criteria set forth in subparagraph (E).

''(G) The State allotment for a State not exercising primary enforcement responsibility for public water systems shall not be deposited in any such fund but shall be allotted by the Administrator as follows: 20 percent of such allotment shall be available to the Administrator as needed to exercise primary enforcement responsibility under this title in such State and the remainder shall be reallotted to States exercising primary enforcement responsibility for public water systems for deposit in such funds. Whenever the Administrator makes a final determination pursuant to section 1413(b) that the requirements of section 1413(a) are no longer being met by a State, additional grants for such State under this title shall be immediately terminated by the Administrator. This subparagraph shall not apply to any State not exercising primary enforcement responsibility for public water systems as of the date of enactment of the Safe Drinking Water Act Amendments of 1996.

''(H)(i) Beginning in fiscal year 1999, the Administrator shall withhold 20 percent of each capitalization grant made pursuant to this section to a State if the State has not met the requirements of section 1419 (relating to capacity development).

''(ii) The Administrator shall withhold 20 percent of each capitalization grant made pursuant to this section if the State has not met the requirements of subsection (f) of section 1442 (relating to operator certification).

''(iii) All funds withheld by the Administrator pursuant to clause (i) shall be reallotted by the Administrator on the basis of the same ratio as is applicable to funds allotted under subparagraph (E). None of the funds reallotted by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of section 1419 (relating to capacity development).

''(iv) All funds withheld by the Administrator pursuant to clause (ii) shall be reallotted by the Administrator on the basis of the same ratio as applicable to funds allotted under subparagraph (E). None of the funds reallotted by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of subsection (f) of section 1442 (relating to operator certification).

''(2) USE OF FUNDS.—Except as otherwise authorized by this title, amounts deposited in such revolving funds, including loan repayments and interest earned on such amounts, shall be used only for providing loans, loan guarantees, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in a State revolving fund established under paragraph (1), or other financial assistance authorized under this section to community water systems and nonprofit noncommunity water systems, other than systems owned by Federal agencies. Such financial assistance may be used by a public water system only for expenditures (not including monitoring, operation, and maintenance expenditures) of a type or category which the Administrator has determined, through guidance, will facilitate compliance with national primary drinking water regulations applicable to such system under section 1412 or otherwise significantly further the health protection objectives of this title. Such funds may also be used to provide loans to a system referred to in section 1401(4)(B) for the purpose of providing the treatment described in section 1401(4)(B)(i)(III). Such funds shall not be used for the acquisition of real property or interests therein, unless such acquisition is integral to a project authorized by this paragraph and the purchase is from a willing seller. Of the amount credited to any revolving fund established under this section in any fiscal year, 15 percent shall be available solely for providing loan assistance to public water systems which regularly serve fewer than 10,000 persons.

''(3) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no assistance under this part shall be provided to a public water system that—

''(i) does not have the technical, managerial, and financial capability to ensure compliance with the requirements of this title; or

''(ii) is in significant noncompliance with any requirement of a national primary drinking water regulation or variance.

''(B) RESTRUCTURING.—A public water system described in subparagraph (A) may receive assistance under this part if—

''(i) the owner or operator of the system agrees to undertake feasible and appropriate changes in operations (including ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures) if the State determines that such measures are necessary to ensure that the system has the technical, managerial, and financial capability to comply with the requirements of this title over the long term; and

''(ii) the use of the assistance will ensure compliance.

''(b) INTENDED USE PLANS.—

''(1) IN GENERAL.—After providing for public review and comment, each State that has entered into a capitalization agreement pursuant to this part shall annually prepare a plan that identifies the intended uses of the amounts available to the State loan fund of the State.

''(2) CONTENTS.—An intended use plan shall include—

''(A) a list of the projects to be assisted in the first fiscal year that begins after the date of the plan, including a description of the project, the expected terms of financial assistance, and the size of the community served;

''(B) the criteria and methods established for the distribution of funds; and

''(C) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

''(3) USE OF FUNDS.—

''(A) IN GENERAL.—An intended use plan shall provide, to the maximum extent practicable, that priority for the use of funds be given to projects that—

''(i) address the most serious risk to human health;

''(ii) are necessary to ensure compliance with the requirements of this title (including requirements for filtration); and

''(iii) assist systems most in need on a per household basis according to State affordability criteria.

''(B) LIST OF PROJECTS.—Each State shall, after notice and opportunity for public comment, publish and periodically update a list of projects in the State that are eligible for assistance under this part, including the priority assigned to each project and, to the extent known, the expected funding schedule for each project.

''(c) FUND MANAGEMENT.—Each State revolving fund under this section shall be established, maintained, and credited with repayments and interest. The fund corpus shall be available in perpetuity for providing financial assistance under this section. To the extent amounts in each such fund are not required for current obligation or expenditure, such amounts shall be invested in interest bearing obligations.

''(d) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—

''(1) LOAN SUBSIDY.—Notwithstanding any other provision of this section, in any case in which the State makes a loan pursuant to subsection (a)(2) to a disadvantaged community or to a community that the State expects to become a disadvantaged community as the result of a proposed project, the State may provide additional subsidization (including forgiveness of principal).

''(2) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State pursuant to paragraph (1) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

''(3) DEFINITION OF DISADVANTAGED COMMUNITY.—In this subsection, the term 'disadvantaged community' means the service area of a public water system that meets affordability criteria established after public review and comment by the State in which the public water system is located. The Administrator may publish information to assist States in establishing affordability criteria.

''(e) STATE CONTRIBUTION.—Each agreement under subsection (a) shall require that the State deposit in the State revolving fund from State moneys an amount equal to at least 20 percent of the total amount of the grant to be made to the State on or before the date on which the grant payment is made to the State, except that a State shall not be required to deposit such amount into the fund prior to the date on which each grant payment is made for fiscal years 1994, 1995, 1996, and 1997 if such State deposits the State contribution amount into the State fund prior to September 30, 1998.

''(f) COMBINED FINANCIAL ADMINISTRATION.—Notwithstanding subsection (c), a State may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with State law, the financial administration of a revolving fund established under this section with the financial administration of any other revolving fund established by the State if otherwise not prohibited by the law under which such revolving fund was established and if the Administrator determines that—

''(1) the grants under this section, together with loan repayments and interest, will be separately accounted for and used solely for the purposes specified in this section; and

''(2) the authority to establish assistance priorities and carry out oversight and related activities (other than financial administration) with respect to such assistance remains with the State agency having primary responsibility for administration of the State program under section 1413.

''(g) ADMINISTRATION.—(1) Each State may annually use up to 4 percent of the funds allotted to the State under this section to cover the reasonable costs of administration of the programs under this section, including the recovery of reasonable costs expended to establish such a fund which are incurred after the date of enactment of this section, and to provide technical assistance to public water systems within the State. For fiscal year 1995 and each fiscal year thereafter, each State with primary enforcement responsibility for public water systems within that State may use up to an additional 10 percent of the funds allotted to the State under this section—

''(A) for public water system supervision programs which receive grants under section 1443(a);

''(B) to administer or provide technical assistance through source water protection programs;

''(C) to develop and implement a capacity development strategy under section 1419(c); and

''(D) for an operator certification program for purposes of meeting the requirements of section 1442(f),

if the State matches such expenditures with at least an equal amount of State funds. At least half of such match must be additional to the amount expended by the State for public water supervision in fiscal year 1993. An additional 1 percent of the funds annually allotted to the State under this section shall be used by each State to provide technical assistance to public water systems in such State. Funds utilized under section 1452(g)(1)(B) shall not be used for enforcement actions or for purposes which do not facilitate compliance with national primary drinking water regulations or otherwise significantly further the health protection objectives of this title.

''(2) The Administrator shall publish such guidance and promulgate such regulations as may be necessary to carry out the provisions of this section, including—

''(A) provisions to ensure that each State commits and expends funds allotted to the State under this section as efficiently as possible in accordance with this title and applicable State laws,

''(B) guidance to prevent waste, fraud, and abuse, and

''(C) guidance to avoid the use of funds made available under this section to finance the expansion of any public water system in anticipation of future population growth.

Such guidance and regulations shall also insure that the States, and public water systems receiving assistance under this section, use accounting, audit, and fiscal procedures that conform to generally accepted accounting standards.

''(3) Each State administering a revolving fund and assistance program under this subsection shall publish and submit to the Administrator a report every 2 years on its activities under this subsection, including the findings of the most recent audit of the fund and the entire State allotment. The Administrator shall periodically audit all revolving funds established by, and all other amounts allotted to, the States pursuant to this subsection in accordance with procedures established by the Comptroller General.

''(h) NEEDS SURVEY.—The Administrator shall conduct an assessment of water system capital improvements needs of all eligible public water systems in the United States and submit a report to the Congress containing the results of such assessment within 180 days after the date of the enactment of the Safe Drinking Water Act Amendments of 1996 and every 4 years thereafter.

''(i) INDIAN TRIBES.—1½ percent of the amounts appropriated annually to carry out this section may be used by the Administrator to make grants to Indian Tribes and Alaskan Native Villages which are not otherwise eligible to receive either grants from the Administrator under this section or assistance from State revolving funds established under this section. Such grants may only be used for expenditures by such tribes and villages for public water system expenditures referred to in subsection (a)(2).

''(j) OTHER AREAS.—Of the funds annually available under this section for grants to States, the Administrator shall make allotments in accordance with section 1443(a)(4) for the District of Columbia, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Republic of Palau. The grants allotted as provided in this subsection may be provided by the Administrator to the governments of such areas, to public water systems in such areas, or to both, to be used for the public water system expenditures referred to in subsection (a)(2). Such grants shall not be deposited in revolving funds. The total allotment of grants under this section for all areas described in this paragraph in any fiscal year shall not exceed 1 percent of the aggregate amount made available to carry out this section in that fiscal year.

''(k) SET-ASIDES.—

''(1) IN GENERAL.—Notwithstanding subsection (a)(2), a State may take each of the following actions:

''(A) Provide assistance, only in the form of a loan to one or both of the following:

''(i) Any public water system described in subsection (a)(2) to acquire land or a conservation easement from a willing seller or grantor, if the purpose of the acquisition is to protect the source water of the system from contamination and to ensure compliance with national primary drinking water regulations.

''(ii) Any community water system to implement local, voluntary source water protection measures to protect source water in areas delineated pursuant to section 1428(l), in order to facilitate compliance with national primary drinking water regulations applicable to such system under section 1412 or otherwise significantly further the health protection objectives of this title. Funds authorized under this clause may be used to fund only voluntary, incentive-based mechanisms.

''(B) Provide assistance, including technical and financial assistance, to any public water system as part of a capacity development strategy developed and implemented in accordance with section 1419(c).

''(C) Make expenditures from the capitalization grant of the State for fiscal years 1996 and 1997 to delineate and assess source water protection areas in accordance with section 1428(l), except that funds set aside for such expenditure shall be obligated within 4 fiscal years.

''(D) Make expenditures from the fund for the establishment and implementation of wellhead protection programs under section 1428.

''(2) LIMITATION.—For each fiscal year, the total amount of assistance provided and expenditures made by a State under this subsection may not exceed 15 percent of the amount of the capitalization grant received by the State for that year and may not exceed 10 percent of that amount for any one of the following activities:

''(A) To acquire land or conservation easements pursuant to paragraph (1)(A)(i).

''(B) To provide funding to implement voluntary, incentive-based source water quality protection measures pursuant to paragraph (1)(A)(ii).

''(C) To provide assistance through a capacity development strategy pursuant to paragraph (1)(B).

''(D) To make expenditures to delineate or assess source water protection areas pursuant to paragraph (1)(C).

''(E) To make expenditures to establish and implement wellhead protection programs pursuant to paragraph (1)(D).

''(3) STATUTORY CONSTRUCTION.—Nothing in this section creates or conveys any new authority to a State, political subdivision of a State, or community water system for any new regulatory measure, or limits any authority of a State, political subdivision of a State or community water system.

''(l) SAVINGS.—The failure or inability of any public water system to receive funds under this section or any other loan or grant program, or any delay in obtaining the funds, shall not alter the obligation of the system to comply in a timely manner with all applicable drinking water standards and requirements of this title.

''(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the purposes of this section $599,000,000 for the fiscal year 1994 and $1,000,000,000 for each of the fiscal years 1995 through 2003. Sums shall remain available until expended.

''(n) HEALTH EFFECTS STUDIES.—From funds appropriated pursuant to this section for each fiscal year, the Administrator shall reserve $10,000,000 for health effects studies on drinking water contaminants authorized by the Safe Drinking Water Act Amendments of 1996. In allocating funds made available under this subsection, the Administrator shall give priority to studies concerning the health effects of cryptosporidium,

disinfection byproducts, and arsenic, and the implementation of a plan for studies of subpopulations at greater risk of adverse effects.

''(o) DEMONSTRATION PROJECT FOR STATE OF VIRGINIA.—Notwithstanding the other provisions of this subsection limiting the use of funds deposited in a State revolving fund from any State allotment, the State of Virginia may, as a single demonstration and with the approval of the Virginia General Assembly and the Administrator, conduct a program to demonstrate alternative approaches to intergovernmental coordination to assist in the financing of new drinking water facilities in the following rural communities in southwestern Virginia where none exists on the date of the enactment of the Safe Drinking Water Act Amendments of 1996 and where such communities are experiencing economic hardship: Lee County, Wise County, Scott County, Dickenson County, Russell County, Buchanan County, Tazewell County, and the city of Norton, Virginia. The funds allotted to that State and deposited in the State revolving fund may be loaned to a regional endowment fund for the purpose set forth in this paragraph under a plan to be approved by the Administrator. The plan may include an advisory group that includes representatives of such counties.

''(p) SMALL SYSTEM TECHNICAL ASSISTANCE.—The Administrator may reserve up to 2 percent of the total funds appropriated pursuant to subsection (m) for each of the fiscal years 1997 through 2003 to carry out the provisions of section 1442(e), relating to technical assistance for small systems.''.

**SEC. 309. WATER CONSERVATION PLAN.**

Part E is amended by adding at the end the following:

**''SEC. 1453. WATER CONSERVATION PLAN.**

''(a) GUIDELINES.—Not later than 2 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall publish in the Federal Register guidelines for water conservation plans for public water systems serving fewer than 3,300 persons, public water systems serving between 3,300 and 10,000 persons, and public water systems serving more than 10,000 persons, taking into consideration such factors as water availability and climate.

''(b) SRF LOANS OR GRANTS.—Within 1 year after publication of the guidelines under subsection (a), a State exercising primary enforcement responsibility for public water systems may require a public water system, as a condition of receiving a loan or grant from a State revolving fund under section 1452, to submit with its application for such loan or grant a water conservation plan consistent with such guidelines.''.

## TITLE IV—MISCELLANEOUS

**SEC. 401. DEFINITIONS.**

(a) ALTERNATIVE QUALITY CONTROL AND TESTING PROCEDURES.—Section 1401(1)(D) (42 U.S.C. 300f(1)(D)) is amended by adding the following at the end thereof: ''At any time after promulgation of a regulation referred to in this paragraph, the Administrator may add equally effective quality control and testing procedures by guidance published in the Federal Register. Such procedures shall be treated as an alternative for public water systems to the quality control and testing procedures listed in the regulation.''.

(b) PUBLIC WATER SYSTEM.—

(1) IN GENERAL.—Section 1401(4) (42 U.S.C. 300f(4)) is amended—

(A) in the first sentence, by striking ''piped water for human consumption'' and inserting ''water for human consumption through pipes or other constructed conveyances'';

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) by striking ''(4) The'' and inserting the following:

''(4) PUBLIC WATER SYSTEM.—

''(A) IN GENERAL.—The''; and

(D) by adding at the end the following:

''(B) CONNECTIONS.—

''(i) IN GENERAL.—For purposes of subparagraph (A), a connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection, if—

''(I) the water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);

''(II) the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking, cooking, and bathing; or

''(III) the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

''(ii) IRRIGATION DISTRICTS.—An irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential or similar use shall not be considered to be a public water system if the system or the residential or similar users of the system comply with subclause (II) or (III) of clause (i).

''(C) TRANSITION PERIOD.—A water supplier that would be a public water system only as a result of modifications made to this paragraph by the Safe Drinking Water Act Amendments of 1996 shall not be considered a public water system for purposes of the Act until the date that is two years after the date of enactment of this subparagraph. If a water supplier does not serve 15 service connections (as defined in subparagraphs (A) and (B)) or 25 people at any time after the conclusion of the two-year period, the water supplier shall not be considered a public water system.''.

(2) GAO STUDY.—The Comptroller General of the United States shall undertake a study to—

(A) ascertain the numbers and locations of individuals and households relying for their residential water needs, including drinking, bathing, and cooking (or other similar uses) on irrigation water systems, mining water systems, industrial water systems or other water systems covered by section 1401(4)(B) of the Safe Drinking Water Act that are not public water systems subject to the Safe Drinking Water Act;

(B) determine the sources and costs and affordability (to users and systems) of water used by such populations for their residential water needs; and

(C) review State and water system compliance with the exclusion provisions of section 1401(4)(B) of such Act.

The Comptroller General shall submit a report to the Congress within 3 years after the enactment of this Act containing the results of such study.

**SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

(a) GENERAL.—Part A (42 U.S.C. 300f) is amended by adding the following new section after section 1401:

**''SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title for the first 7 fiscal years following the enactment of the Safe Drinking Water Act Amendments of 1996. With the exception of biomedical research, nothing in this Act shall affect or modify any authorization for research and development under this Act or any other provision of law.''.

(b) CRITICAL AQUIFER PROTECTION.—Section 1427 (42 U.S.C. 300h–6) is amended as follows:

(1) Subsection (b)(1) is amended by striking ''not later than 24 months after the enactment of the Safe Drinking Water Act Amendments of 1986''.

(2) The table in subsection (m) is amended by adding at the end the following:

''1992–2003 ..... 15,000,000.''.

(c) WELLHEAD PROTECTION AREAS.—The table in section 1428(k) (42 U.S.C. 300h–7(k)) is amended by adding at the end the following:

''1992–2003 ..... 30,000,000.''.

(d) UNDERGROUND INJECTION CONTROL GRANT.—The table in section 1443(b)(5) (42 U.S.C. 300j–2(b)(5)) is amended by adding at the end the following:

''1992–2003 ..... 15,000,000.''.

**SEC. 403. NEW YORK CITY WATERSHED PROTECTION PROGRAM.**

Section 1443 (42 U.S.C. 300j–2) is amended by adding at the end the following:

''(d) NEW YORK CITY WATERSHED PROTECTION PROGRAM.—

''(1) IN GENERAL.—The Administrator is authorized to provide financial assistance to the State of New York for demonstration projects implemented as part of the watershed program for the protection and enhancement of the quality of source waters of the New York City water supply system, including projects necessary to comply with the criteria for avoiding filtration contained in 40 CFR 141.71. Demonstration projects which shall be eligible for financial assistance shall be certified to the Administrator by the State of New York as satisfying the purposes of this subsection. In certifying projects to the Administrator, the State of New York shall give priority to monitoring projects that have undergone peer review.

''(2) REPORT.—Not later than 5 years after the date on which the Administrator first provides assistance pursuant to this paragraph, the Governor of the State of New York shall submit a report to the Administrator on the results of projects assisted.

''(3) MATCHING REQUIREMENTS.—Federal assistance provided under this subsection shall not exceed 35 percent of the total cost of the protection program being carried out for any particular watershed or ground water recharge area.

''(4) AUTHORIZATION.—There are authorized to be appropriated to the Administrator to carry out this subsection for each of fiscal years 1997 through 2003 *$8,000,000* for each of such fiscal years for the purpose of providing assistance to the State of New York to carry out paragraph (1).''.

**SEC. 404. ESTROGENIC SUBSTANCES SCREENING PROGRAM.**

Part F is amended by adding the following at the end thereof:

**''SEC. 1466. ESTROGENIC SUBSTANCES SCREENING PROGRAM.**

''(a) DEVELOPMENT.—Not later than 2 years after the date of enactment of this section, the Administrator shall develop a screening program, using appropriate validated test systems and other scientifically relevant information, to determine whether certain substances may have an effect in humans

that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate.

''(b) IMPLEMENTATION.—Not later than 3 years after the date of enactment of this section, after obtaining public comment and review of the screening program described in subsection (a) by the scientific advisory panel established under section 25(d) of the Act of June 25, 1947 (chapter 125) or the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), the Administrator shall implement the program.

''(c) SUBSTANCES.—In carrying out the screening program described in subsection (a), the Administrator—

''(1) shall provide for the testing of all active and inert ingredients used in products described in section 103(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603(e)) that may be found in sources of drinking water, and

''(2) may provide for the testing of any other substance that may be found in sources of drinking water if the Administrator determines that a substantial population may be exposed to such substance.

''(d) EXEMPTION.—Notwithstanding subsection (c), the Administrator may, by order, exempt from the requirements of this section a biologic substance or other substance if the Administrator determines that the substance is anticipated not to produce any effect in humans similar to an effect produced by a naturally occurring estrogen.

''(e) COLLECTION OF INFORMATION.—

''(1) IN GENERAL.—The Administrator shall issue an order to a person that registers, manufactures, or imports a substance for which testing is required under this subsection to conduct testing in accordance with the screening program described in subsection (a), and submit information obtained from the testing to the Administrator, within a reasonable time period that the Administrator determines is sufficient for the generation of the information.

''(2) PROCEDURES.—To the extent practicable the Administrator shall minimize duplicative testing of the same substance for the same endocrine effect, develop, as appropriate, procedures for fair and equitable sharing of test costs, and develop, as necessary, procedures for handling of confidential business information.

''(3) FAILURE OF REGISTRANTS TO SUBMIT INFORMATION.—

''(A) SUSPENSION.—If a person required to register a substance referred to in subsection (c)(1) fails to comply with an order under paragraph (1) of this subsection, the Administrator shall issue a notice of intent to suspend the sale or distribution of the substance by the person. Any suspension proposed under this paragraph shall become final at the end of the 30-day period beginning on the date that the person receives the notice of intent to suspend, unless during that period a person adversely affected by the notice requests a hearing or the Administrator determines that the person referred to in paragraph (1) has complied fully with this subsection.

''(B) HEARING.—If a person requests a hearing under subparagraph (A), the hearing shall be conducted in accordance with section 554 of title 5, United States Code. The only matter for resolution at the hearing shall be whether the person has failed to comply with an order under paragraph (1) of this subsection. A decision by the Administrator after completion of a hearing shall be considered to be a final agency action.

''(C) TERMINATION OF SUSPENSIONS.—The Administrator shall terminate a suspension under this paragraph issued with respect to a person if the Administrator determines that the person has complied fully with this subsection.

''(4) NONCOMPLIANCE BY OTHER PERSONS.—Any person (other than a person referred to in paragraph (3)) who fails to comply with an order under paragraph (1) shall be liable for the same penalties and sanctions as are provided under section 16 of the Toxic Substances Control Act (15 U.S.C. 2601 and following) in the case of a violation referred to in that section. Such penalties and sanctions shall be assessed and imposed in the same manner as provided in such section 16.

''(f) AGENCY ACTION.—In the case of any substance that is found, as a result of testing and evaluation under this section, to have an endocrine effect on humans, the Administrator shall, as appropriate, take action under such statutory authority as is available to the Administrator, including consideration under other sections of this Act, as is necessary to ensure the protection of public health.

''(g) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this section, the Administrator shall prepare and submit to Congress a report containing—

''(1) the findings of the Administrator resulting from the screening program described in subsection (a);

''(2) recommendations for further testing needed to evaluate the impact on human health of the substances tested under the screening program; and

''(3) recommendations for any further actions (including any action described in subsection (f)) that the Administrator determines are appropriate based on the findings.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to amend or modify the provisions of the Toxic Substances Control Act or the Federal Insecticide, Fungicide, and Rodenticide Act.''.

**SEC. 405. REPORTS ON PROGRAMS ADMINISTERED DIRECTLY BY ENVIRONMENTAL PROTECTION AGENCY.**

For States and Indian Tribes in which the Administrator of the Environmental Protection Agency has revoked primary enforcement responsibility under part B of title XIV of the Public Health Service Act (which title is commonly known as the Safe Drinking Water Act) or is otherwise administering such title, the Administrator shall provide every 2 years, a report to Congress on the implementation by the Administrator of all applicable requirements of that title in such States.

**SEC. 406. RETURN FLOWS.**

Section 3013 of Public Law 102–486 (42 U.S.C. 13551) shall not apply to drinking water supplied by a public water system regulated under title XIV of the Public Health Service Act (the Safe Drinking Water Act).

**SEC. 407. EMERGENCY POWERS.**

Section 1431(b) is amended by striking out ''$5,000'' and inserting in lieu thereof ''$15,000''.

**SEC. 408. WATERBORNE DISEASE OCCURRENCE STUDY.**

(a) SYSTEM.—The Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall jointly establish—

(1) within 2 years after the date of enactment of this Act, pilot waterborne disease occurrence studies for at least 5 major United States communities or public water systems; and

(2) within 5 years after the date of enactment of this Act, a report on the findings of the pilot studies, and a national estimate of waterborne disease occurrence.

(b) TRAINING AND EDUCATION.—The Director and Administrator shall jointly establish a national health care provider training and public education campaign to inform both the professional health care provider community and the general public about waterborne disease and the symptoms that may be caused by infectious agents, including microbial contaminants. In developing such a campaign, they shall seek comment from interested groups and individuals, including scientists, physicians, State and local governments, environmental groups, public water systems, and vulnerable populations.

(c) FUNDING.—There are authorized to be appropriated for each of the fiscal years 1997 through 2001, $3,000,000 to carry out this section. To the extent funds under this section are not fully appropriated, the Administrator may use not more than $2,000,000 of the funds from amounts reserved under section 1452(n) for health effects studies for purposes of this section. The Administrator may transfer a portion of such funds to the Centers for Disease Control and Prevention for such purposes.

**SEC. 409. DRINKING WATER STUDIES.**

(a) SUBPOPULATIONS AT GREATER RISK.—The Administrator of the Environmental Protection Agency shall conduct a continuing program of studies to identify groups within the general population that are at greater risk than the general population of adverse health effects from exposure to contaminants in drinking water. The study shall examine whether and to what degree infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that can be identified and characterized are likely to experience elevated health risks, including risks of cancer, from contaminants in drinking water.

(b) BIOLOGICAL MECHANISMS.—The Administrator shall conduct studies to—

(1) understand the biomedical mechanisms by which chemical contaminants are absorbed, distributed, metabolized, and eliminated from the human body, so as to develop more accurate physiologically based models of the phenomena;

(2) understand the effects of contaminants and the biomedical mechanisms by which the contaminants cause adverse effects (especially noncancer and infectious effects) and the variations in the effects among humans, especially subpopulations at greater risk of adverse effects, and between test animals and humans; and

(3) develop new approaches to the study of complex mixtures, such as mixtures found in drinking water, especially to determine the prospects for synergistic or antagonistic interactions that may affect the shape of the dose-response relationship of the individual chemicals and microbes, and to examine noncancer endpoints and infectious diseases, and susceptible individuals and subpopulations.

(c) STUDIES ON HARMFUL SUBSTANCES IN DRINKING WATER.—

(1) DEVELOPMENT OF STUDIES.—The Administrator shall, after consultation with the Secretary of Health and Human Services, the Secretary of Agriculture, and, as appropriate, the heads of other Federal agencies, conduct the studies described in paragraph (2) to support the development and implementation of the most current version of each of the following:

(A) Enhanced surface water treatment rule (59 Fed. Reg. 38832 (July 29, 1994)).

(B) Disinfectant and disinfection byproducts rule (59 Fed. Reg. 38668 (July 29, 1994)).

(C) Ground water disinfection rule (availability of draft summary announced at (57 Fed. Reg. 33960; July 31, 1992)).

(2) CONTENTS OF STUDIES.—The studies required by paragraph (1) shall include, at a minimum, each of the following:

(A) Toxicological studies and, if warranted, epidemiological studies to determine what levels of exposure from disinfectants and disinfection byproducts, if any, may be associated with developmental and birth defects and other potential toxic end points.

(B) Toxicological studies and, if warranted, epidemiological studies to quantify the carcinogenic potential from exposure to disinfection byproducts resulting from different disinfectants.

(C) The development of dose-response curves for pathogens, including cryptosporidium and the Norwalk virus.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $12,500,000 for each of fiscal years 1997 through 2003.

**SEC. 410. BOTTLED DRINKING WATER STANDARDS.**

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended as follows:

(1) By striking ''Whenever'' and inserting ''(a) Except as provided in subsection (b), whenever''.

(2) By adding at the end thereof the following new subsection:

''(b)(1) Not later than 180 days before the effective date of a national primary drinking water regulation promulgated by the Administrator of the Environmental Protection Agency for a contaminant under section 1412 of the Public Health Service Act (42 U.S.C. 300g–1), the Secretary shall promulgate a standard of quality regulation under this subsection for that contaminant in bottled water or make a finding that such a regulation is not necessary to protect the public health because the contaminant is contained in water in public water systems (as defined under section 1401(4) of such Act (42 U.S.C. 300f(4))) but not in water used for bottled drinking water. The effective date for any such standard of quality regulation shall be the same as the effective date for such national primary drinking water regulation, except for any standard of quality of regulation promulgated by the Secretary before the date of enactment of the Safe Drinking Water Act Amendments of 1996 for which (as of such date of enactment) an effective date had not been established. In the case of a standard of quality regulation to which such exception applies, the Secretary shall promulgate monitoring requirements for the contaminants covered by the regulation not later than 2 years after such date of enactment. Such monitoring requirements shall become effective not later than 180 days after the date on which the monitoring requirements are promulgated.

''(2) A regulation issued by the Secretary as provided in this subsection shall include any monitoring requirements that the Secretary determines appropriate for bottled water.

''(3) A regulation issued by the Secretary as provided in this subsection shall require the following:

''(A) In the case of contaminants for which a maximum contaminant level is established in a national primary drinking water regulation under section 1412 of the Public Health Service Act, the regulation under this subsection shall establish a maximum contaminant level for the contaminant in bottled water which is no less stringent than the maximum contaminant level provided in the national primary drinking water regulation.

''(B) In the case of contaminants for which a treatment technique is established in a national primary drinking water regulation under section 1412 of the Public Health Service Act, the regulation under this subsection shall require that bottled water be subject to requirements no less protective of the public health than those applicable to water provided by public water systems using the treatment technique required by the national primary drinking water regulation.

''(4)(A) If the Secretary does not promulgate a regulation under this subsection within the period described in paragraph (1), the national primary drinking water regulation referred to in paragraph (1) shall be considered, as of the date on which the Secretary is required to establish a regulation under paragraph (1), as the regulation applicable under this subsection to bottled water.

''(B) In the case of a national primary drinking water regulation that pursuant to subparagraph (A) is considered to be a standard of quality regulation, the Secretary shall, not later than the applicable date referred to in such subparagraph, publish in the Federal Register a notice—

''(i) specifying the contents of such regulation, including monitoring requirements, and

''(ii) providing that for purposes of this paragraph the effective date for such regulation is the same as the effective date for the regulation for purposes of title XIV of the Public Health Service Act (or, if the exception under paragraph (1) applies to the regulation, that the effective date for the regulation is not later than 2 years and 180 days after the date of the enactment of the Safe Drinking Water Act Amendments of 1996).''.

**SEC. 411. CLERICAL AMENDMENTS.**

(a) PART B.—Part B (42 U.S.C. 300g and following) is amended as follows:

(1) In section 1412(b)(2)(C) by striking ''paragraph (3)(a)'' and inserting ''paragraph (3)(A)''.

(2) In section 1412(b)(8) strike ''1442(g)'' and insert ''1442(e)''.

(3) In section 1415(a)(1)(A) by inserting ''the'' before ''time the variance is granted''.

(b) PART C.—Part C (42 U.S.C. 300h and following) is amended as follows:

(1) In section 1421(b)(3)(B)(i) by striking ''number or States'' and inserting ''number of States''.

(2) In section 1427(k) by striking ''this subsection'' and inserting ''this section''.

(c) PART E.—Section 1441(f) (42 U.S.C. 300j(f)) is amended by inserting a period at the end.

(d) SECTION 1465(b).—Section 1465(b) (42 U.S.C. 300j–25) is amended by striking ''as by'' and inserting ''by''.

(e) SHORT TITLE.—Section 1 of Public Law 93-523 (88 Stat. 1600) is amended by inserting ''of 1974'' after ''Act'' the second place it appears and title XIV of the Public Health Service Act is amended by inserting the following immediately before part A:

**''SEC. 1400. SHORT TITLE AND TABLE OF CONTENTS.**

''(a) SHORT TITLE.—This title may be cited as the 'Safe Drinking Water Act'.

''(b) TABLE OF CONTENTS.—

''TITLE XIV—SAFETY OF PUBLIC WATER SYSTEMS

''Sec. 1400. Short title and table of contents.

''PART A—DEFINITIONS

''Sec. 1401. Definitions.
''Sec. 1402. Authorization of appropriations.

''PART B—PUBLIC WATER SYSTEMS

''Sec. 1411. Coverage.
''Sec. 1412. National drinking water regulations.
''Sec. 1413. State primary enforcement responsibility.
''Sec. 1414. Enforcement of drinking water regulations.
''Sec. 1415. Variances
''Sec. 1416. Exemptions.
''Sec. 1417. Prohibition on use of lead pipes, solder, and flux.
''Sec. 1418. Monitoring of contaminants.
''Sec. 1419. Capacity development.

''PART C—PROTECTION OF UNDERGROUND SOURCES OF DRINKING WATER

''Sec. 1421. Regulations for State programs.
''Sec. 1422. State primary enforcement responsibility.
''Sec. 1423. Enforcement of program.
''Sec. 1424. Interim regulation of underground injections.
''Sec. 1425. Optional demonstration by States relating to oil or natural gas.
''Sec. 1426. Regulation of State programs.
''Sec. 1427. Sole source aquifer demonstration program.
''Sec. 1428. State programs to establish wellhead and source water protection areas.
''Sec. 1429. Federal facilities.

''PART D—EMERGENCY POWERS

''Sec. 1431. Emergency powers.
''Sec. 1432. Tampering with public water systems.

''PART E—GENERAL PROVISIONS

''Sec. 1441. Assurance of availability of adequate supplies of chemicals necessary for treatment of water.
''Sec. 1442. Research, technical assistance, information, training of personnel.
''Sec. 1443. Grants for State programs.
''Sec. 1444. Special study and demonstration project grants; guaranteed loans.
''Sec. 1445. Records and inspections.
''Sec. 1446. National Drinking Water Advisory Council.
''Sec. 1447. Federal agencies.
''Sec. 1448. Judicial review.
''Sec. 1449. Citizen's civil action.
''Sec. 1450. General provisions.
''Sec. 1451. Indian tribes.
''Sec. 1452. State revolving funds.
''Sec. 1453. Water conservation plan.

''PART F—ADDITIONAL REQUIREMENTS TO REGULATE THE SAFETY OF DRINKING WATER

''Sec. 1461. Definitions.
''Sec. 1462. Recall of drinking water coolers with lead-lined tanks.
''Sec. 1463. Drinking water coolers containing lead.
''Sec. 1464. Lead contamination in school drinking water.
''Sec. 1465. Federal assistance for State programs regarding lead contamination in school drinking water.
''Sec. 1466. Estrogenic substances screening program.''.

## TITLE V—ADDITIONAL ASSISTANCE FOR WATER INFRASTRUCTURE AND WATERSHEDS

**SEC. 501. GENERAL PROGRAM.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Administrator may provide technical and financial assistance in the form of grants to States (1) for the construction, rehabilitation, and improvement of water supply systems, and (2) consistent with nonpoint source management programs established under section 319 of the Federal Water Pollution Control Act, for source water quality protection programs to address pollutants in navigable waters for the purpose of making such waters usable by water supply systems.

(b) LIMITATION.—Not more than 30 percent of the amounts appropriated to carry out this section in a fiscal year may be used for source water quality protection programs described in subsection (a)(2).

(c) CONDITION.—As a condition to receiving assistance under this section, a State shall ensure that such assistance is carried out in the most cost-effective manner, as determined by the State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1996 through 2003. Such sums shall remain available until expended.

**SEC. 502. NEW YORK CITY WATERSHED, NEW YORK.**

(a) IN GENERAL.—The Administrator may provide technical and financial assistance in the form of grants for a source water quality protection program described in section 501 for the New York City Watershed in the State of New York.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 1996 through 2003. Such sums shall remain available until expended.

**SEC. 503. RURAL AND NATIVE VILLAGES, ALASKA.**

(a) IN GENERAL.—The Administrator may provide technical and financial assistance in the form of grants to the State of Alaska for the benefit of rural and Alaska Native villages for the development and construction of water systems to improve conditions in such villages and to provide technical assistance relating to construction and operation of such systems.

(b) CONSULTATION.—The Administrator shall consult the State of Alaska on methods of prioritizing the allocation of grants made to such State under this section.

(c) ADMINISTRATIVE EXPENSES.—The State of Alaska may use not to exceed 4 percent of the amount granted to such State under this section for administrative expenses necessary to carry out the activities for which the grant is made.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000. Such sums shall remain available until expended.

**SEC. 504. ACQUISITION OF LANDS.**

Assistance provided with funds made available under this title may be used for the acquisition of lands and other interests in lands; however, nothing in this title authorizes the acquisition of lands or other interests in lands from other than willing sellers.

**SEC. 505. FEDERAL SHARE.**

The Federal share of the cost of activities for which grants are made under this title shall be 50 percent.

**SEC. 506. CONDITION ON AUTHORIZATIONS OF APPROPRIATIONS.**

An authorization of appropriations under this title shall be in effect for a fiscal year only if at least 75 percent of the total amount of funds authorized to be appropriated for such fiscal year by section 308 are appropriated.

**SEC. 507. DEFINITIONS.**

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) STATE.—The term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(3) WATER SUPPLY SYSTEM.—The term ''water supply system'' means a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves at least 25 individuals and a draw and fill system for the provision to the public of water for human consumption. Such term does not include a for-profit system that has fewer than 15 service connections used by year-round residents of the area served by the system or a for-profit system that regularly serves fewer than 25 year-round residents and does not include a system owned by a Federal agency. Such term includes (A) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (B) any collection or pretreatment facilities not under such control that are used primarily in connection with such system.

**TITLE VI—DRINKING WATER RESEARCH AUTHORIZATION**

**SEC. 601. DRINKING WATER RESEARCH AUTHORIZATION.**

There are authorized to be appropriated to the Administrator of the Environmental Protection Agency, in addition to—

(1) amounts authorized for research under section 1412(b)(13) of the Safe Drinking Water Act (title XIV of the Public Health Service Act);

(2) amounts authorized for research under section 409 of the Safe Drinking Water Act Amendments of 1996; and

(3) $10,000,000 from funds appropriated pursuant to this section 1452(n) of the Safe Drinking Water Act (title XIV of the Public Health Service Act),

such sums as may be necessary for drinking water research for fiscal years 1997 through 2003. The annual total of the sums referred to in this section shall not exceed $26,593,000.

**SEC. 602. SCIENTIFIC RESEARCH REVIEW.**

(a) IN GENERAL.—The Administrator shall assign to the Assistant Administrator for Research and Development (in this section referred to as the ''Assistant Administrator'') the duties of—

(1) developing a strategic plan for drinking water research activities throughout the Environmental Protection Agency (in this section referred to as the ''Agency'');

(2) integrating that strategic plan into ongoing Agency planning activities; and

(3) reviewing all Agency drinking water research to ensure the research—

(A) is of high quality; and

(B) does not duplicate any other research being conducted by the Agency.

(b) REPORT.—The Assistant Administrator shall transmit annually to the Administrator and to the Committees on Commerce and Science of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) all Agency drinking water research the Assistant Administrator finds is not of sufficiently high quality; and

(2) all Agency drinking water research the Assistant Administrator finds duplicates other Agency research.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to the rule, the gentleman from Virginia [Mr. BILILEY] and the gentleman from California [Mr. WAXMAN] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that the time for debate on this bill be extended by 30 minutes, such time to be equally divided between the gentleman from California [Mr. WAXMAN] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] and the gentleman from California [Mr. WAXMAN] each will control 35 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I yield myself such time as I my consume.

Mr. Speaker, I am pleased to rise in support of H.R. 3604, the Safe Drinking Water Act Amendments of 1996.

More than 3 years ago, at the urging of States and local governments, I sat down with former Congressman Jim Slattery to consider how the Safe Drinking Water Act could be fixed.

Both Congressman Slattery and I recognized that the act was not working. Under the existing law, EPA was on a regulatory treadmill.

We also recognized that the Safe Drinking Water Act afforded no flexibility in implementation—the act incorporated a one-size-fits-all philosophy towards monitoring and technology. Unfortunately, if you weren't the right size—meaning a large public water system—well, that was your problem.

I regret that we were not able to finish our work in the previous Congress. But if there is any consolation in the delay—I believe that we have a far better bill today.

H.R. 3604 contains a balanced package of reforms. The bill gives the EPA the ability to use common sense in establishing new drinking water standards. The Agency, for the first time, can set a drinking water standard which balances the risk of one contaminant against another and directs limited resources toward those contaminants which present the greatest threat to public health.

In addition, the bill contains new emphasis on source water protection, provisions to ensure that operators of public water systems are properly trained, and a new program to help public water systems maintain the capacity to meet drinking water standards.

We have also incorporated consumer-right-to-know provisions and have provided for estrogenic screening.

Importantly, we do not impose all these new requirements on States and local water systems without providing a source of funding. The State Revolving Fund—which provides $1 billion per year—is explicitly tied to Safe Drinking Water Act requirements.

Altogether, I believe we have delivered on our commitment to bring a consensus bill forward which Members from both sides of the aisle can support. We have incorporated the concerns of two other committees and have attempted to put together the broadest possible agreement.

The goal of our effort has been—and always will be—the provision of safe drinking water to our homes and our communities. I believe the bill produced by the Commerce Committee lives up to our historic responsibility to provide for the public health and welfare.

Mr. Speaker, I include the following material for the RECORD:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, June 25, 1996.*

Hon. THOMAS J. BLILEY, Jr.
*Chairman, Committee on Commerce, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed intergovernmental and private sector mandates cost estimates for H.R. 3604, the Safe Drinking Water Act Amendments of 1996, as reported by the House Committee on Commerce on June 24, 1996. CBO provided a federal cost estimate for this bill on June 24, 1996.

This bill would impose new intergovernmental and private sector mandates as defined in Public Law 104–4. The costs of these mandates, however, would not exceed the thresholds established in that law.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
*Director.*

CONGRESSIONAL BUDGET OFFICE ESTIMATED COST OF INTERGOVERNMENTAL MANDATES

1. Bill number: H.R. 3604.

2. Bill title: Safe Drinking Water Act Amendments of 1996.

3. Bill status: As reported by the House Committee on Commerce on June 24, 1996.

4. Bill purpose: H.R. 3604 would amend the Safe Drinking Water Act (SDWA) to authorize the Environmental Protection Agency (EPA) to make grants to states for capitalizing state revolving loan funds (SRFs). These SRFs would provide low-cost financing for the construction of facilities to treat drinking water. In addition, the bill would change the process for selecting drinking water contaminants for regulation and would allow costs and benefits to be considered when setting standards for those contaminants. The bill would also alter requirements for monitoring, treatment, and public notification, and would authorize other kinds of assistance for states and water systems.

5. Intergovernmental mandates contained in bill: H.R. 3604 would impose new mandates on both state and local governments, but would also change the federal drinking water program in ways that would lower the costs to public water systems of complying with existing and future federal requirements.

The bill would require public water systems, many of which are publicly owned and operated, to:

adhere to new public notification requirements, including a requirement to distribute an annual ''consumer confidence report'' to the customers,

comply with operator certification requirements established by the states pursuant to EPA regulations, and

provide requested information to EPA on regulated and unregulated contaminants for a new national drinking water database.

In addition, the bill would require states to obtain the legal authority or ''other means'' to ensure that all new community water systems and new non-transient, non-community water systems demonstrate technical, managerial, and financial capacity to comply with federal drinking water regulations. Within four years of the bill's enactment, states would have to develop and implement a strategy to assist public water systems in acquiring and maintaining technical, managerial, and financial capacity. State agencies would be required to write reports about their efforts and submit them to either the Environmental Protection Agency (EPA) or the governor of the state.

The bill would ease drinking water requirements on public water systems by:

changing the procedures that EPA uses to identify contaminants for regulation under the SDWA in ways that would likely result in fewer contaminants being regulated.

delaying the effective date of new regulations,

directing EPA to define treatment technologies that are feasible for small drinking water systems when the agency issues new contaminant regulations,

allowing operators of small drinking water systems to obtain variances from drinking water standards under certain conditions, and

allowing states to establish alternative monitoring requirements for contaminants in drinking water.

6. Estimated direct costs of mandates to State, local, and tribal governments:

(a) *Is the $50 Million Threshold Exceeded?* No.

(b) *Total Direct Costs of Mandates:* CBO estimates that the annual costs of new mandates imposed by the bill on state and local governments would total $30 million to $40 million. CBO projects that publicly owned water systems would incur costs of $15 million to $25 million per year to comply with requirement to mail annual ''consumer confidence reports'' to their customers. Publicly owned water systems would also incur annual direct costs of $5 million to $10 million to comply with the operator-certification requirement, beginning in fiscal year 2001. CBO further estimates that state governments would incur costs totaling several million dollars per year to comply with the requirement to develop and implement capacity development strategies for water systems.

These additional costs to state and local governments would be at least partially offset by a number of other changes to the federal drinking water program that would significantly lower the costs of complying with future requirements. Specifically, the bill would reduce public water systems' likely costs by changing the federal standard-setting process, delaying the effective date of new regulations, allowing operators to obtain variances, and allowing states to establish alternative monitoring requirements.

(c) *Estimate of Necessary Budget Authority:* Not applicable.

7. Basis of estimate; The new mandates in the bill would affect both state and local governments. Municipal water systems would have to send annual ''consumer confidence reports'' to their customers and would have to comply with new operator certification requirements. They would also be subject to new reporting and information requirements. State governments would be required to develop and implement strategies to improve the technical, financial, and managerial capacities of public water systems. The estimated impact of each of these provisions on state and local governments is discussed below.

*New mandates of local governments*

*New Public Notification Requirements.*—Section 131 would require EPA to issue regulations to rural community water systems to mail an annual ''consumer confidence report'' to each customer. The reports would contain:

information about the source of the water supplies by the system,

the levels of any regulated contaminants detected in the water,

the levels of unregulated contaminants for which monitoring is required, and in some cases, a brief statement explaining the health concerns that prompted the regulation of a contaminant.

The governor of a state could exempt systems serving fewer than 10,000 people from the requirement to mail the report. Systems not required to mail the report would instead have to publish it in local newspapers and make the information available upon request.

CBO estimates that this new requirement would apply to about 23,000 publicly owned community water systems that are not already complying with similar state laws. These systems serve about 54 million households. Based on information from water system operators in those states with similar laws, CBO concluded that most larger systems would be able to insert the report into a billing statement without incurring additional postage costs. For smaller systems, CBO assumed that some systems could use bulk mail and that others would have to use first-class postage. Including the cost of printing and staff time needed to write the reports, we estimate the aggregate national cost to be $15 million to $25 million annually for publicly owned systems.

Based on a small survey of small circulation daily newspapers, CBO estimates that providing the option for small systems to publish their report in newspapers would not significantly reduce the aggregate cost of the requirement. CBO estimates that, in general, the printing and postage costs for a system serving 10,000 or fewer people would be similar to the cost of a display advertisement or legal notice.

*New Operator Certification Requirements.*—H.R. 3604 would require EPA to issue regulations specifying minimum standards for the certification of operators of community water systems. This mandate would impose costs totaling $5 million to $10 million annually on publicly owned systems, primarily on very small ones. While almost every state now has an operator certification program, many of them exempt these small systems. CBO estimates that approximately 33,000 additional systems would be subject to operator certification requirements as a result of this bill and that about 10,000 of those are owned and operated by local governments.

Based on information provided by EPA officials, state officials, and associations of state and local officials, CBO assumed that many of the smallest water systems would utilize contractors rather than employ certified operators. Other systems would incur costs for training and testing their employees.

This estimate is based on a number of factors that are highly uncertain. The bill would give EPA considerable latitude in establishing minimum standards, and CBO cannot predict what those standards would be. Further, we cannot predict the extent to which EPA would allow states to continue their current programs in lieu of adopting the new standards. We have assumed that EPA would not require substantial changes in existing state requirements for larger systems. The cost of this mandate could be greater if that were not the case. Part of the cost we have attributed to the public sector could be shifted to the private sector if some small water systems require individual operators to bear the cost of obtaining their certification.

*Information Requirements.*—The bill would allow EPA, after consultation with the states and with water systems, to require water systems to provide information for use in establishing new standards for contaminants. Under current law, EPA can only require this information through a formal rule-making. The bill would limit the kinds of information EPA could require without providing funding and would require the agency to first try to obtain the information voluntarily. Because of these limitations, CBO does not expect reporting costs for public water systems to increase significantly as a result of this change.

*New mandate on State governments*

H.R. 3604 would require each state to obtain the legal authority or ''other means'' to

ensure that all new community water systems and new non-transient, non-community water systems demonstrate technical, managerial, and financial capacity to comply with federal drinking water regulations. Within four years of the bill's enactment, states would have to develop and implement a ''capacity development strategy'' to assist public water systems in acquiring and maintaining technical, managerial, and financial capacity. State agencies would be required to submit periodic reports to EPA or to the governor of the state about the success of the strategy.

Although some states are already providing this kind of assistance to new and existing water systems, CBO expects that most states would have to devote additional resources to meet this requirement. Many state agencies that oversee drinking water systems (usually environmental or public health agencies) do not currently have expertise in managerial or financial operations of drinking water systems. Therefore CBO estimates that as a whole states would have to spend several million dollars per year to develop and implement these strategies. How much states spend would depend on what standard EPA applies in carrying out the bill's instruction to withhold 20 percent of a state's SRF grant if it has not complied with this mandate. In any case, states receiving SRF grants from EPA would be allowed to use some of the grant money to defray this cost. This funding would probably offset most of the additional costs to the states.

*Changes likely to reduce compliance costs*

Other provisions, discussed individually below, would reduce the likely costs of complying with future drinking water regulations. These future regulations, which would be required under current law, would impose significant costs, primarily on local public water systems. The number and stringency of these regulations are likely to be less under H.R. 3604, and associated cost savings would at least partially offset the additional costs of new mandates contained in the bill. However, CBO cannot estimate these savings on the basis of information we currently have.

*New standard-setting procedure.*—H.R. 3604 would change the procedures for selecting drinking water contaminants for regulation and for determining permissible levels of those contaminants in ways that would likely lower future compliance costs for public water systems. First, it would rescind the requirement that EPA issue rules for 25 drinking water contaminants every three years. Thus, EPA would not have to regulate a specific number of contaminants. Although it is possible that, with this change, EPA would regulate more contaminants than current law dictates, CBO expects that the agency would regulate fewer contaminants than currently required.

Second, the bill would require EPA to conduct a cost-benefit analysis for national primary drinking water regulations before they are proposed. The bill also would require EPA, when proposing a maximum contaminant level, to determine whether the benefits of the proposed MCL justify the costs of complying with it. EPA would be given the discretionary authority to establish less stringent standards when it determines that the benefits of an MCL set at the feasible level would not justify the cost of compliance or when it determines that the contaminant occurs almost exclusively in small systems. If EPA uses this discretionary authority, it would have to set the MCL at a level that maximizes the reduction in health risk at a cost justified by the benefits. While current law requires EPA to perform cost/benefit analyses of new regulations, it does not give the agency the discretion to use those analyses as justification for changing the standards contained in new regulations. This change would give EPA greater discretion to set less stringent standards in future regulations. Any use of that discretion would lower the cost of compliance for public water systems.

*Effective date of regulations.*—The bill would change the date that primary drinking water regulations become effective from eighteen months to three years after the date of promulgation, unless EPA determines that an earlier date is practicable. This change would give water systems more time to install new equipment or take other steps necessary to comply with the new regulation.

*Small system technologies and variances.*—Current law allows EPA and the states to provide variances to small systems if it is too costly for them to meet a standard. Such provisions are almost never used, however. The bill would create a Best Available Affordable Technology (BAAT) variance. States would be allowed to grant BAAT variances to small systems that can not otherwise afford to meet the standard. If this variance option is widely used, it could provide financial relief to small systems, many of which are publicly owned.

*Changes to monitoring requirements.*—H.R. 3604 would change monitoring requirements for local water systems in ways that probably would lower compliance costs. First, the section would allow states with primary enforcement authority (primacy) to modify temporarily the monitoring requirements for most regulated and unregulated contaminants. States with primacy would be allowed to relieve water systems serving 10,000 or fewer people of monitoring for a contaminant for up to three years if certain conditions are met.

Second, the bill would allow states with primary enforcement authority, in some circumstances, to alter monitoring requirements for most regulated contaminants permanently. Third, the section would cap the number of unregulated contaminants for which EPA could require monitoring. Under current law, which has no such cap, EPA requires testing for 33 unregulated contaminants.

Fourth, under ''representative monitoring plans'' developed by states with primary enforcement authority, public water systems serving 10,000 or fewer people would probably monitor for unregulated contaminants less frequently than they do now. Current law requires all systems to do such monitoring, but under these plans, only a representative sample of water systems would have to monitor. Finally, this section would direct the EPA Administrator to pay the reasonable costs of testing and analysis that small systems (those serving 3,300 or fewer people) incur by carrying out the representative monitoring plans.

8. Appropriation or other Federal financial assistance provided in bill to cover mandate costs:

*New Federal Grant Program to Set Up State Revolving Funds.*—The bill would authorize appropriations of $8.4 billion for state and local governments over fiscal years 1997 to 2003. The largest authorization would be $7 billion for the creation of state revolving funds. In addition, the bill would make available for spending $725 million that was appropriated for the SRFs in fiscal years 1994–1996. If the authorized funds are appropriated, these SRFs would be a significant source of low-cost infrastructure financing for many public water supply systems.

In order to receive a federal SRF grant, states would have to deposit matching funds of 20 percent into their revolving fund. The bill would instruct EPA to withhold 20 percent of an SRF grant to a state if the state has not met EPA's requirements for an operator certification program. EPA would also be instructed to withhold 20 percent of an SRF grant to a state if the state has not met federal requirements for capacity development programs.

The bill would allow states to use a portion of their SRF grants to help pay for the cost of developing and implementing capacity development strategies. However, in order to use that funding, states would have to take steps to become eligible for an SRF grant and provide the required 20 percent state match to receive the grant.

The bill would allow a state to spend up to 15 percent of its SRF grant on certain activities, but only up to 10 percent on any one activity. The allowable activities would include providing assistance to water systems for developing technical, managerial, and financial capacity. The bill would also allow a state with primary enforcement authority to spend up to 10 percent of its SRF grant on four different kinds of activities, one of which is developing and implementing a capacity development strategy. In order to do so, states would have to match such expenditures with an equal amount of state funds, at least half of which would have to exceed the amount the state spent supervising public water systems in fiscal year 1993.

CBO expects that most, if not all, states would apply to EPA for SRF grant funding and thus would be able to use a portion of their grant for funding state activities, including developing and implementing their capacity development strategies.

Assuming appropriation of the full amounts authorized, CBO estimates that, if states claim the maximum amounts available for these activities, about $1.6 billion in SRF funds would be available to states over the fiscal years 1997 through 2003. While states would be required to provide matching funds to receive SRF grants and, in some cases, to use the grant money for purposes other than capitalizing their SRF, CBO estimates that they would be able to pay for most of their capacity development activities with federal funding.

*Other Authorizations of Appropriations.*—Section 302 of the bill would authorize appropriations of $15 million for fiscal years 1997 through 2003 to be used by EPA to provide technical assistance to small public water systems. Such assistance may include circuit-rider programs, training, and preliminary engineering evaluations. The purpose of such assistance would be to enable small public water systems to achieve and maintain compliance with national primary drinking water regulations.

Section 303 would extend the authorization for grants to the states for public water system supervision (PWSS) programs through fiscal year 2003 at $100 million per year and in some situations would allow states to supplement their PWSS grant with money from their SRF capitalization grant. The PWSS programs implement the Safe Drinking Water Act at the level through enforcement, staff training, data management, sanitary surveys, and certification of testing laboratories.

Section 304 would authorize appropriations of $10 million annually for fiscal years 1997 through 2003 for EPA to carry out a monitoring program for unregulated contaminants. Based on regulations promulgated by EPA, each state would have to develop a plan for representative sampling of small systems serving a population of 10,000 or less. The bill would require EPA to use some of the appropriated funds as grants for these small systems to pay for the costs of monitoring unregulated contaminants.

Section 402 would extend the authorization of appropriations for EPA's sole source aquifer demonstration program at $15 million for

each of fiscal years 1997 through 2003. This program provides 50 percent matching grants to states and localities for projects to protect critical aquifers. This section would also extend the authorization of appropriations for EPA's wellhead protection program at $30 million through fiscal year 2003. This program provides matching grants to states to fund their efforts to protect the areas around water wells.

Section 403 would authorize appropriations of $15 million annually through fiscal year 2003 to help fund a watershed protection program for the city of New York, Federal assistance for this program would be capped at 35 percent.

9. Other impacts on State, local, and tribal governments: Several sections of the bill would increase the responsibilities of states only if they have chosen to accept primary enforcement responsibility for national drinking water regulations. Every state except Wyoming currently has primary enforcement authority. To receive primacy for a particular regulation, a state must adopt its own regulation that is at least as stringent as the federal regulation, and it must have adequate procedures for enforcing that regulation. If states do not accept primacy, EPA will enforce the provisions of the SDWA in that state. These additional responsibilities are not mandates as defined in Public Law 104–4 because states have the option of not accepting primary enforcement responsibility.

*Operator Certification Requirements.*—H.R. 3604 would require state agencies that exercise primary enforcement responsibility to adopt and implement EPA regulations requiring the certification of water system operators. Based on information provided by the Association of State Drinking Water Administrators, CBO estimates that states could incur costs totaling about $5 million to comply with this requirement. These costs would be incurred by the 37 states that now exempt very small systems from their certification programs.

The bill would allow states with primary enforcement authority to use a portion of their SRF grant to defray the cost of this new primacy condition, but states would still be required to commit some of their own resources. The bill would also allow a state with primary enforcement authority to spend up to 10 percent of its SRF grant on four different kinds of activities, one of which is implementing an operator certification program. In order to do so, however, states would have to match such expenditures with an equal amount of state funds, at least half of which would have to exceed the amount the state spent supervising public water systems in fiscal year 1993.

*Representative Monitoring Plan.*—The bill would require states with primary enforcement authority to develop a ''representative monitoring plan'' to assess the occurrence of unregulated contaminants in small and medium water systems (those serving 10,000 or fewer people). Under these plans, only a representative sample of water systems in each state would be required to monitor for unregulated contaminants. Current law requires all systems to do such monitoring. While these plans could reduce the cost of monitoring for the water systems, they would require extra effort by the states.

10. Previous CBO estimate: None.

11. Estimate prepared by: Pepper Santalucia.

12. Estimate approved by: Robert A. Sunshine (for Paul N. Van de Water, Assistant Director for Budget Analysis).

CONGRESSIONAL BUDGET OFFICE ESTIMATE OF COSTS OF PRIVATE-SECTOR MANDATES

1. Bill number: H.R. 3604.

2. Bill title: Safe Drinking Water Act Amendments of 1996.

3. Bill status: As reported by the House Committee on Commerce on June 24, 1996.

4. Bill purpose: H.R. 3604 would amend and reauthorize the Safe Drinking Water Act (SDWA). The purpose of the SDWA is to protect the public drinking water supplies from harmful contaminants. The SDWA is administered through regulatory programs that establish standards and treatment requirements for drinking water and ground water. SDWA regulations apply to both privately and publicly owned systems that serve at least 25 people (or 15 service connections) at least 60 days per year. H.R. 3604 would authorize the Environmental Protection Agency (EPA) to make grants to states for capitalizing state revolving loan funds (SRFs). These SRFs would provide low-cost financing for the construction of facilities to treat drinking water. Other major provisions of the bill would:

amend the procedures used for the selection of contaminants for regulation based on an analysis of costs, benefits and relative risk,

authorize variances for small systems that cannot afford to comply with national standards,

direct EPA to define treatment technologies that are feasible for small drinking water systems when the agency issues new contaminant regulations,

allow states to establish an alternative monitoring program for contaminants in drinking water,

require states to ensure that new public water systems have the technical expertise and financial resources to implement the SDWA, and

authorize appropriations of $100 million a year for state public water system supervision (PWSS) programs, $15 million a year for protecting underground drinking water sources, $30 million a year for protecting drinking water wellhead areas, and $15 million a year for assisting small drinking water systems.

5. Private-sector mandates contained in bill: H.R. 3604 would impose new mandates on public water systems, businesses in the plumbing industry, manufacturers of certain chemical products, and manufacturers of bottled drinking water. However, the bill also would change the federal drinking water program in ways that would lower the costs to public water systems of complying with existing federal requirements and that would lower the likely cost of complying with future requirements. Over 50 percent of public water systems are privately owned. A large portion of privately owned water systems are relatively small, serving less than 10,000 households. Many provisions of the bill would directly reduce the compliance costs of these systems and provide for grants and technical assistance.

The bill contains several new mandates on public water system. Specifically, the bill would require water systems to:

comply with operator certification requirements established by the states pursuant to EPA regulations.

adhere to new public notification requirements, including a requirement to distribute an annual ''consumer confidence report'' to their customers, and

provide requested information to EPA for use in establishing new standards for contaminants.

The bill also contains new mandates on the bottled-water industry, certain segments of the plumbing industry, and manufacturers of certain chemicals. H.R. 3640, if enacted, would:

impose the standards set for tap water under the SDWA as regulations on the quality of bottled water if the Food and Drug Administration has not acted within 180 days of the issuance of the tap water standards by EPA,

expand the ban on the use of materials containing lead in drinking water systems and home plumbing, and

require businesses that register, manufacture, or import certain products to screen for substances that may have an effect on humans that is similar to an effect produced by naturally occurring estrogen, or other endocrine effects as directed by EPA.

The bill would reduce public water systems' likely cost of complying with future regulations by:

changing the procedures that EPA uses to identify contaminants for regulation under the SDWA in ways that would likely result in fewer contaminants being regulated,

delaying the effective date of new regulations,

directing EPA to define treatment technologies that are feasible for small drinking water systems when the agency issues new contaminant regulations,

allowing operators of small drinking water systems greater flexibility to obtain variances from drinking water standards under certain conditions, and

allowing states to establish alternative monitoring requirements for contaminants in drinking water.

6. Estimated direct cost to the private sector: The net direct costs of the private-sector mandates identified in this bill would not likely exceed the $100 million threshold established in Public Law 104–4. Although mandates become effective at different dates, CBO estimates that the aggregate direct cost of mandates in this bill for which we were able to obtain data would range from $40 million to $60 million annually for the first five years. Greater uncertainty exists for mandates that become effective in later years. Specifically, costs for estrogenic testing under Section 404 could exceed the threshold if more expensive tests become required. We further estimate that the costs of these new mandates on the private sector would be at least partially offset by savings from changes the bill would make in the standard-setting process and in other aspects of the federal drinking water program. These changes, which are the same as those resulting in savings to publicly owned systems, would significantly lower the costs privately owned systems would incur to comply with future regulatory requirements.

CBO estimates that privately owned water systems would incur direct costs of $10 million to $15 million per year to comply with a new requirement to mail annual ''consumer confidence reports'' to their customers. Privately owned water systems would also incur annual direct costs of $15 million to $20 million to comply with the new operator-certification requirement, beginning in fiscal year 2001. CBO estimates that the costs to manufacturers and importers of substances that would be subject to estrogen testing would initially range from $15 million to $25 million annually. (In later years, after an initial period of testing, the costs could be more than $100 million as more sophisticated tests may be required to determine longer term effects). The incremental costs of expanding the ban on lead materials to the plumbing industry would be negligible, as most in the industry have already started to comply with the increased ban on lead in plumbing fittings and fixtures. CBO also estimates that the incremental costs to the bottled-water industry would be negligible as most manufacturers attempt to comply with EPA standards for tap water where appropriate for bottled water.

*New mandates on the private sector*

*New Operator Certification Requirements.*—H.R. 3604 would require EPA to issue regulations specifying minimum standards for the certification of operators of community water systems. This mandate would impose costs totaling $25 million to $30 million annually on publicly and privately owned systems, primarily on very small water systems. While almost every state now has an operator certification program, many of them exempt these small systems. CBO estimates that approximately 33,000 additional public water systems would be subject to operator certification requirements as a result of this bill and about 23,000 of those are privately owned. Thus, CBO estimates that the incremental costs to privately owned water systems would range from $15 million to $20 million per year to comply with the new federal requirements for operator certification.

Based on information provided by EPA officials, state officials, and associations of state and local officials, CBO assumed that many of the smallest water systems would utilize contractors rather than employ certified operators. Other systems would incur costs for training and testing of their employees.

This estimate is based on a number of factors that are highly uncertain. The bill would give EPA considerable latitude in establishing minimum standards, and CBO cannot predict what those standards would be. Further, we cannot predict the extent to which EPA would allow states to continue their programs in lieu of adopting the new standards. We have assumed that EPA would not require substantial changes in existing state requirements for large systems. The cost of this mandate could be greater if that were not the case. Part of the cost we have attributed to the public sector could be shifted to the private sector if some small water systems require individual operators to bear the cost of obtaining their certification.

*New Public Notification Requirements.*—Section 131 would require EPA to issue regulations to require community water systems to mail an annual ''consumer confidence report'' to each customer. The reports would contain:

information about the source of the water supplied by the system,

the levels of any regulated contaminants detected in the water,

the levels of unregulated contaminants for which monitoring is required, and

in some cases, a brief statement explaining the health concerns that prompted the regulation of a contaminant.

The governor of a state could exempt systems serving fewer than 10,000 people from the requirement to mail the report. Systems not required to mail the report would instead have to publish it in local newspapers and make the information available upon request.

CBO estimates that this new requirement would apply to about 30,000 privately owned community water systems that are not already complying with similar state laws. These systems serve about 15 million households. Based on information from water system operators in those states with similar laws, CBO estimates that it would cost $10 million to $15 million annually for these privately owned systems to prepare and mail these reports. The estimate includes: the cost of printing a report, the cost of staff time to develop a report, and the cost of mailing reports to customers. CBO does not expect that providing the option for small systems (serving under 10,000) to publish the report in local newspapers would significantly reduced the aggregate cost of the requirement.

*Information Requirements.*—The bill would allow EPA, after consultation with the states and with water systems, to require water systems to provide information for use in establishing new standards for contaminants. Under current law, EPA can only require this information through a formal rule-making process. The bill would limit the kinds of information EPA could require without providing funding and would require the agency to first try to obtain the information voluntarily. Because of these limitations, CBO does not expect reporting costs for public water systems to increase significantly as a result of this change.

*New Bottled Drinking Water Standards.*—Section 410 of the bill would direct the Federal Drug Administration (FDA) to establish regulations for bottled water for each contaminant for which the EPA has promulgated a rule for drinking water. The regulations are to be issued no later than 180 days after tap water standards have been set and are to be no less stringent. If FDA fails to act within the 180-day period, the maximum contaminant levels established for tap water and would apply to bottled water. Industry representatives claim that they already meet and most likely exceed federal standards for drinking water. The likely incremental effect of this provision would be to influence how quickly federal rules are promulgated for bottled water. The incremental compliance costs to the industry of this provision would be negligible.

*New Ban on Lead Plumbing Fixtures.*—Section 141 of the bill would ban the use of plumbing fittings and fixtures that exceed established lead leaching rates and prohibit the use and sale of leaded solder and flux unless it is clearly labeled to prevent its use in plumbing delivering water for human consumption. Current law already bans the use of pipe, solder or flux containing lead in public water systems and residential plumbing intended for human consumption. H.R. 3604 would add a ban on the use of lead plumbing fittings and fixtures and defines ''lead free'' to be based on a consensus standard to be established by The National Sanitation Foundation (a private certifier). Industry experts consulted by CBO indicate that these provisions codify current activity in the industry and would not create significant incremental compliance costs.

*New Estrogenic Substances Screening Program.*—Section 404 would direct EPA to establish a screening program to determine whether certain pesticides and other chemicals may affect the endocrine system in ways similar to the natural hormone estrogen. After a two-year period to develop appropriate validated test systems, EPA would require persons who register pesticides and chemicals, or who manufacture or import targeted substances to conduct testing in accordance with the screening program. Based on information provided by research scientists, industry experts and EPA officials, CBO assumed that an initial screening period would be necessary to begin separating out those pesticides and chemicals from the substances targeted by EPA that would not likely have an effect on the endocrine system. Experts consulted by CBO indicated that the initial stage of the screening program would probably involve a set of short-term tests designed to screen for an indication of an endocrine-like effect at the cellular level.

Cost estimates for a set of these tests range from $10,000 to $15,000, depending on the number and types of tests that would be validated by EPA to be included in an initial screening program. The group of substances eligible for testing include active and inert ingredients from pesticides and industrial chemicals. Experts consulted by CBO indicate that a range of 1,500 to 1,700 substances could be tested in an initial screening program. Based on these data, CBO estimates the cost of testing to manufacturers and importers could range from $15 million to $25 million. After a period of initial screening, scientists and EPA officials indicated that more sophisticated tests would probably be required to analyze the longer-term effects of the substances that remain of importance. These tests could be similar in nature to the multi-generational tests conducted under current law (FIFRA and TSCA) and could cost on average about $500,000 per test. If such additional screening were required by EPA, the costs to the private sector could increase to over $100 million in years after the initial testing has been completed.

*Changes likely to reduce compliance costs*

Several provisions in H.R. 3604 should result in savings to the private sector relative to current law. The additional costs to the private sector of mandates in the bill would be at least partially offset by a number of other changes to the federal drinking water program that would significantly lower the costs of complying with future requirements. Specifically, the bill would reduce public water systems' likely costs by changing the federal standard-setting process, delaying the effective date of new regulations, allowing operators to obtain variances, and allowing states to establish alternative monitoring requirements. Major provisions that have potential to result in savings are discussed below.

*New Standard-Setting Procedure.*—H.R. 3604 would change the procedures for selecting drinking water contaminants for regulation and for determining permissible levels of those contaminants in ways that would likely lower future compliance costs for public water systems. The bill would rescind the requirement that EPA issue rules for 25 drinking water contaminants every three years. Thus, EPA would not have to regulate a specific number of contaminants. Although it is possible that, with this change, EPA would regulate more new contaminants than current law dictates, CBO expects that the agency would actually regulate fewer new contaminants than currently required.

Second, the bill would require EPA to conduct a cost-benefit analysis for national primary drinking water regulations before they are proposed. The bill also would require EPA, when proposing a maximum contaminant level (MCL), to determine whether the benefits of the proposed MCL justify the costs of complying with it. EPA would be given the discretionary authority to establish less stringent standards when it determines that the benefits of an MCL set at the feasible level would not justify the cost of compliance or when it determines that the contaminant occurs almost exclusively in small systems. If EPA uses this discretionary authority, it would have to set the MCL at a level that maximizes the reduction in health risk at a cost justified by the benefits. While current law requires EPA to perform cost/benefit analyses of new regulations, it does not give the agency the discretion to use those analyses as justification for changing the standards contained in new regulations. This change in current law would give EPA greater discretion to set less stringent standards in future regulations. Any use of that discretion would lower the cost of compliance for public water systems.

*Effective Date of Regulations.*—The bill would change the date that primary drinking water regulations become effective from eighteen months to three years after the date of promulgation, unless EPA determines that an earlier date is practicable. This change would give water systems more

time to install new equipment or take other steps necessary to comply with the new regulation.

*Small System Technologies and Variances.*—Current law allows EPA and the states to provide variances to small systems if it is too costly for them to meet a standard. Such provisions are almost never used, however. Section 142 of the bill would create a Best Available Affordable Technology (BAAT) variance. States would be allowed to grant BAAT variances to small systems that can not otherwise afford to meet the standard. If this variance option is widely used, it could provide financial relief to small systems, many of which are privately owned.

*Changes to Monitoring Requirements.*—H.R. 3604 would change monitoring requirements for local water systems in ways that probably would lower compliance costs. First, the section would allow states with primary enforcement authority (primacy) to modify temporarily the monitoring requirements for most regulated and unregulated contaminants. States with primacy would be allowed to relieve water systems serving 10,000 or fewer people of monitoring for a contaminant for up to three years if certain conditions are met.

Second, the bill would allow states with primacy, in some circumstances, to alter monitoring requirements for most regulated contaminants permanently. Third, the bill would cap the number of unregulated contaminants for which EPA could require monitoring. Under current law, which has no such cap, EPA requires testing for 33 unregulated contaminants.

Fourth, the bill would require states with primacy to develop a ''representative monitoring plan'' to assess the occurrence of unregulated contaminants in small and medium water systems (those serving 10,000 or fewer people). Under these plans, only a representative sample of water systems in each state would be required to monitor for unregulated contaminants. Because current law requires all systems to do such monitoring, these plans could reduce the cost of monitoring for the water systems. Finally, this section would direct the EPA Administrator to pay the reasonable costs of testing and analysis that small systems incur by carrying out the representative monitoring plans.

7. Appropriations or other Federal financial assistance:

*New Federal Grant Program to Set Up State Revolving Funds.*—The bill would authorize appropriations of $7.8 billion for state and local governments over fiscal years 1997 to 2003 in part to be used in various programs to assist publicly and privately owned water systems. The largest authorization would be $7 billion for the creation of state revolving funds (SRFs). In addition, the bill would make available for spending $725 million that was appropriated for the SRFs in fiscal years 1994–1996. If the authorized funds are appropriated, these SRFs would be a significant source of low-cost infrastructure financing for many public water supply systems.

The bill, under section 308, would establish a new State Revolving Fund (SRF) program for drinking water infrastructure. The bill authorizes $1 billion per year through fiscal year 2003 for capitalization grants. The federal government would provide capitalization grants to state-run SRFs. States would use these funds to make grants and loans to public water systems to facilitate compliance with the Safe Drinking Water Act. Further, the bill would authorize EPA to reserve up to 2 percent of its annual grant to provide technical assistance to small water systems serving a population of 10,000 or less. Assistance may include financial management, planning and design, source water protection, or system restructuring.

In order to receive a federal SRF grant, states would have to deposit matching funds of 20 percent into their revolving fund. The bill would instruct EPA to withhold 20 percent of an SRF grant to a state if the state has not met EPA's requirements for an operator certification program. EPA would also be instructed to withhold twenty percent of an SRF grant to a state if the state has not met federal requirements for capacity development programs.

*Other Authorizations of Appropriations.*—Section 302 of the bill would authorize $15 million for fiscal years 1997 through 2003 to be used by EPA to provide technical assistance to small public water systems. Such assistance may include circuit-rider programs, training, and preliminary engineering evaluations. The purpose of such assistance would be to enable small public water systems to achieve and maintain compliance with national primary drinking water regulations.

Section 303 of the bill would extend the authorization for grants to the states for public water system supervision (PWSS) programs through fiscal year 2003 at $100 million per year and in some situations would allow states to supplement their PWSS grant with money from their SRF capitalization grant. The PWSS programs implement the Safe Drinking Water Act at the state level through enforcement, staff training, data management, sanitary surveys, and certification of testing laboratories. Some of these funds may be used to pay for training operators of privately owned systems.

Section 304 of the bill would authorize appropriations of $10 million annually for fiscal years 1997 through 2003 for EPA to carry out a monitoring program for unregulated contaminants. Based on regulations promulgated by EPA, each state would have to develop a plan for representative sampling of small systems serving a population of 10,000 or less. The bill would require EPA to use some of the appropriated funds as grants for these small systems to pay for the costs of monitoring unregulated contaminants.

8. Previous CBO estimate: None

9. Estimate prepared by: Terry Dinan and Patrice Gordon.

10. Estimate approved by: Jan Acton, Assistant Director for Natural Resources and Commerce.

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ENVIRONMENTAL PROTECTION AGENCY,
*Washington, DC, June 11, 1996.*

Hon. THOMAS J. BLILEY, Jr.,
*Chairman, Committee on Commerce, Washington, DC.*

DEAR MR. CHAIRMAN: I applaud your work and the efforts of other key members of the Committee on Commerce to reach bipartisan agreement on a strengthened Safe Drinking Water Act (SDWA). As you prepare for Full Committee mark-up and future steps in the legislative process, I would like to provide you with the Environmental Protection Agency's (EPA) initial views on the bill reported by the Subcommittee on health and Environment, as well as an assessment of EPA's ability to implement provisions of the bill.

Ensuring the safety of the water we drink every day is one of the most fundamental responsibilities of government, and one of President Clinton's top environmental priorities. In September 1993, the Administration sent to Congress ten recommendations for SDWA reauthorization. We seek a reauthorized Act that provides responsible regulatory improvements coupled with stronger 'preventive'' approaches and public information along with increased State and local funding—all of which will improve public health protection.

The Committee's bill achieves these goals by drawing on many of the strongest elements of the Senate bill, S. 1316, while making essential improvements in several key areas. The Committee's improvements in the area of ''prevention'' are perhaps the most significant. The bill reflects the Administration's recommendations to fundamentally improve the ability of water systems and States to prevent drinking water safety problems and avoid public health endangerment in the future. Preventing pollution of drinking water sources in the first place can reduce the cost of treating water ''after the fact.'' The bill provides for the delineation and assessment of source water areas, as in the Senate bill, but provides States with extensive flexibility to develop and fund their own source water protection programs and local protection projects. We strongly support this flexibility; State and local initiatives should not be stifled by overly prescriptive statutory requirements. In addition, the bill strengthens small system assistance, operator training and certification, and State programs to encourage greater technical, financial, and managerial capacity among the nation's water systems.

We applaud the Commerce for including provisions to improve consumer awareness. Public access to information on drinking water safety is long overdue. We are pleased to see the Committee has included an estrogen screening program that will advance our understanding of endocrine disrupters and their potential health effects. These provisions and the stronger prevention focus in the bill, if passed into law, would signal a revitalized national commitment to meet the challenge of safe and affordable drinking water long into the future.

The Committee's bill, like the Senate bill, includes several provisions that address current implementation problems faced by water systems, States, and EPA—most notably, monitoring flexibility, workable exemptions, small system assistance, small system technology variances, and more funding for States. The bill also establishes the Drinking Water State Revolving Fund (SRF) proposed by President Clinton, which will provide funding to communities to improve drinking water safety. I am concerned, however, that the total level of ''taps'' from the SRF to fund specific activities will limit the availability of dollars needed for building a permanent source of revolving funds.

Finally, the Committee's bill builds upon the Senate's balanced framework for selecting contaminants and setting standards, but eliminates duplicative procedural hurdles that could cause unnecessary delays in future safety standards. The bill also has a special provision to preserve the balanced framework that was agreed upon as part of a negotiated rulemaking for setting future standards for disinfection byproducts and Cryptosporidium.

The Administration has steadfastly supported improvements to SDWA along the lines of the bill reported by the Subcommittee, and EPA has taken a number of steps to prepare for these improvements. Over the last year we have worked hard with stakeholders to realign our resources to reflect priority drinking water concerns. We believe our extensive outreach effort will bolster future partnerships for implementing SDWA. In addition, our planned reorganization of the drinking water program should improve the Agency's ability to strengthen its scientific work in drinking water while maintaining other priority activities.

EPA's responsibilities in the bill will present significant implementation challenges. Important new efforts to boost stakeholder involvement and strengthen science will undoubtedly make some time frames

difficult and strain current Agency resources. Timely implementation is achievable, however, depending on adequate levels of future funding. We look forward to working together to assure there are resources necessary to allow implementation of the important public health protections in this bill.

I appreciate the opportunity to provide comments on the bill. We may have additional comments as we conduct a more detailed review of individual provisions. I look forward to working with the Committee to secure final passage of SDWA reauthorization that provides balanced regulatory improvements, new funding, strong prevention, and public information.

Sincerely,

CAROL M. BROWNER.

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JUNE 11, 1996.

Hon. THOMAS J. BLILEY, Jr.,
*Chairman, Committee on Commerce, U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: We write to express our appreciation for your hard work in developing H.R. 3604, the bipartisan bill to reauthorize the Safe Drinking Water Act reported by the Health and Environment Subcommittee on June 6. We urge the Commerce Committee and the House to approve that bill as expeditiously as possible to keep the legislative process moving forward.

First and foremost, H.R. 3604 improves the protection of public health. It represents a significant advance over current law and over the bill approved by the House in 1994. Among other significant changes, the measure approved in subcommittee eliminates the requirement for the Environmental Protection Agency to regulate 25 new contaminants every three years and instead focuses attention on contaminants that actually occur or are likely to occur in drinking water. The bill improves the current standard setting process by allowing EPA to balance risks and to consider costs and benefits in setting most new standard. It also addresses the technology needs of small water systems, allows some relief from monitoring requirements when contaminants do not occur in the drinking water in a given community, and authorizes a new state revolving fund for much needed investments in drinking water infrastructure. These changes and others are important improvements over the current law.

As you know, the bill also includes several expanded federal authorities and new mandates on states, local governments, and water suppliers about which we have some concerns. We await the Congressional Budget Office analysis of the costs of these mandates.

We will continue to work with you and your colleagues in the Senate to assure that the Safe Drinking Water Act reauthorization bill is enacted into law this year, providing the public with both safe and affordable drinking water.

Sincerely,

Governor Tommy G. Thompson, Chairman, National Governors' Association;
Gregory S. Lashutka, President, National League Cities;
Norman B. Rice, President, The U.S. Conference of Mayors;
Douglas R. Bovin, President, National Association of Countries;
James J. Lack, President, National Conference of State Legislature;
David L. Tippin, President, Association of Metropolitan Water Agencies;
Karl F. Kohlhoff, President, American Water Works Association;
Ronald S. Dugan, President, National Association of Water Companies;
James K. Cleland, President, Association of State Drinking Water Administrators;
Fred N. Pfeiffer, President National Water Resources Association.

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CAMPAIGN FOR SAFE AND AFFORDABLE DRINKING WATER,
*June 21, 1996.*

Hon. THOMAS BLILEY,
*House of Representatives, Washington, DC.*

DEAR CHAIRMAN BLILEY: We are writing to thank you for your leadership in negotiating and achieving unanimous Committee passage of the ''Safe Drinking Water Act of 1996,'' H.R. 3604, and to express our appreciation for your attention to our views in the legislative process. We do not agree with all of the decisions that the Committee reached, but we do believe that our concerns received full and fair consideration.

Although we did not support S. 1316 as it was passed by the Senate, we are pleased to be able to endorse H.R. 3604. We support it on balance because it provides a number of important public health protections, including:

The right-to-know provision, which requires water systems to issue drinking water quality reports to consumers.

Prevention provisions, including an improved source water assessment, operator certification, and capacity development sections.

A reasonable radon provision that establishes a rational process for setting a standard for this important cancer-causing contaminant.

More workable small system provisions. Small system exemptions and variances would be limited to water systems serving less than 3,300 customers. These provisions would encourage and facilitate compliance rather than needlessly waiving public health protection requirements.

Improved monitoring provisions for unregulated contaminants, tying monitoring relief to source water assessments, and requiring a disease monitoring study.

We continue to have, of course, objections to some of the language included in H.R. 3604, particularly the provisions affecting citizen suits, standard setting (although we recognize that the House language improves upon the Senate proposal), source water program funding, and information gathering. Accordingly, our continued support for H.R. 3604 will be predicated upon maintaining the important improvements the Commerce Committee adopted.

Sincerely,

20/20 Vision;
Gary Rose, Aids Action Council;
Susan Polan, American Cancer Society;
Ted Morton, American Oceans Campaign;
Dr. Fernando Treviño, American Public Health Association;
Beth Norcross, American Rivers;
Michael Hirshfield, PhD., Chesapeake Bay Foundation;
Roberta Hazen-Aranson, Childhood Lead Action Project, RI;
Winonah Hauter, Citizen Action;
Mary Clark, Citizen Action of New York;
Paul Schwartz, Clean Water Action;
Ginny Yingling, Clean Water Action Alliance of Minnesota;
Beth Blissman, Lorain Grenado, Steering Committee, COPEEN, Colorado People's Environmental and Economic Network;
Diana Neidle, Consumer Federation of America;
Donald Clark, Cornicopia Network of New Jersey, Inc.;
James K. Wyerman, Defenders of Wildlife;
Phil Clapp, Environmental Information Center;
Brian Cohen, Environmental Working Group;
Velma Smith, Friends of the Earth;
Joanne Royce, Government Accountability Project;
Tom FitzGerald, Kentucky Resources Council;
Jan Conley, Lake Superior Greens;
Judy Pannullo, Long Island Progressive Coalition;
Dr. Edward B. Smart, Metropolitan Ecumenical Ministry;
Aisha Ikramuddin, Mothers & Others;
Mary Marra, National Wildlife Federation;
Cleo Manual, National Consumers League;
Erik Olson, Natural Resources Defence Council;
Rev. Albert G. Cohen, Network for Environmental & Economic Responsibility;
Amy Goldsmith, New Jersey Environmental Federation;
Bruce R. Carpenter, New York Rivers United;
Todd Miller, North Carolina Coastal Federation;
Debbie Ortman, Northern Environmental Network;
Alfonso Lopez, Physicians for Social Responsibility;
Rabbi David Sapperstein; Religious Action Center;
Alison Walsh, Save the Bay, Rhode Island;
Mark Pelavin, Union of American Hebrew Congregations;
Daniel Rosenberg, U.S. PIRG;
Parker Blackmun, WashPIRG;
Robert Hudek, Wisconsin Citizen Action.

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CLEAN WATER COUNCIL,
*May 29, 1996.*

Hon. THOMAS J. BLILEY, Jr.,
*Chairman, House Commerce Committee, Washington, DC.*

DEAR MR. CHAIRMAN: The undersigned members of the Clean Water Council represent employers and independent professionals who finance, design, construct, and maintain drinking water delivery and treatment facilities. We urge you to support timely action on legislation to reauthorize the Safe Drinking Water Act and create a State Revolving Loan Fund (SRF) Program to help states finance capital investment and improvements in drinking water infrastructure.

The proposed drinking water SRF program would be an efficient and cost-effective means of providing capital for the construction of drinking water delivery and treatment facilities. The need for the program is well documented. Growing demands on our aging and sometimes nonexistent infrastructure often force cash-strapped communities to patch the leaks and stretch the infrastructure to unsafe limits for lack of financial resources. Water main breaks, boil water orders, and dry fire hydrants are routine occurrences and pose unacceptable risks to our families. A 1990 report published by the Clean Water Council demonstrated a $2-billion annual drinking water infrastructure deficit above and beyond what the states themselves are expected to invest.

Furthermore, clean water infrastructure is essential to environmental protection, private sector productivity and profitability, and job creation. Half of the estimated 57,000 jobs created for every $1 billion invested are permanent jobs. Clean water construction, rehabilitation, and maintenance also increase the local tax base. A dependable network of pipes and treatment facilities attracts new homes and businesses to a community. This is an area where environmental protection and economic growth go hand-in-hand.

Your efforts to move safe drinking water legislation this year are an investment in America's clean water future.

Sincerely,

The Clean Water Council,
American Consulting Engineers Council;
American Portland Cement Alliance;
American Road and Transportation Builders Association;
American Society of Civil Engineers;
American Subcontractors Association;
Associated Equipment Distributors;
Associated General Contractors of America;
Constructed Industry Manufacturers Association;
Council of Infrastructure Financing Authorities;
Equipment Manufacturers Institute;
International Spiral Rib Pipe Association;
National Aggregates Association;
National Constructors Association;
National Precast Concrete Association;
National Ready Mixed Concrete Association;
National Stone Association;
National Utility Contractors Association;
Uni-Bell PVC Pipe Association;
Water and Sewer Distributors of America;
Water and Wastewater Equipment Manufacturers Association.

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COUNCIL OF INFRASTRUCTURE FINANCING AUTHORITIES,
*Washington, DC, June 13, 1996.*

Hon. THOMAS J. BLILEY, Jr.,
*Chairman, Commerce Committee, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: We want to extend our congratulations to you, the members of your Committee and staff for your skillful legislative effort in fashioning a bi-partisan consensus bill that moved swiftly through your Committee to reauthorize the Safe Drinking Water Act. H.R. 3604 is a good and carefully constructed piece of legislation that deserves to be adopted by the House.

We are pleased to advise you of our support for this legislation, as reported out of your Committee, and appreciate the extensive effort that you and the other members of the Commerce Committee devoted to fashioning the several compromises that have allowed this bill to move forward. The provisions in the bill creating a new State Revolving Loan fund will authorize critically needed funds to finance water system improvements and if expeditiously enacted, will make already appropriated funds available for state lending. We are especially appreciative of the continued efforts by the Committee staff to work with us to accommodate changes in the State Revolving Loan Fund financing provisions which will make them more workable when the bill becomes law.

We look forward to the passage of this legislation, and offer our support and assistance through the continuation of the legislative process.

With appreciation,

Sincerely,

PAUL MARCHETTI,
*President.*

Mr. BLILEY. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the bill.

Mr. Speaker, I am astounded to hear myself say I am speaking in opposition to this bill. I have here in my hand a statement in support of the bill, a statement that commends, appropriately, the gentleman from Virginia [Mr. BLILEY], the gentleman from Michigan [Mr. DINGELL], and the gentleman from Florida [Mr. BILIRAKIS], and the members of our committee for the very long period of negotiations entered into in good faith to resolve the differences on the Safe Drinking Water Act.

This was a negotiation that literally took place over a matter of years and the result of our negotiations was a bill supported by everyone, the water systems, the State and local governments, the agricultural interests, and the environmentalists. Everybody was satisfied that the legislation that was reported unanimously out of the Committee on Commerce was a good bill and this legislation appeared to be heading to conference and to the President's desk as one of the rare accomplishments of this legislative session.

The unfortunate fact is I cannot make that statement that ordinarily is made on a suspension bill, urging all our colleagues to support it. The reason I cannot make that statement is that this bill was changed last night. An important part of the drinking water legislation is a revolving fund that would help drinking water systems throughout this country to able to draw on money so that they could upgrade their systems, so that we could be assured that those water systems will be delivering water that meets the standard to protect the public health.

In the bill now before us, as a result of negotiations behind closed doors that did not involve any of us on the Democratic side, money has been earmarked for certain projects to be paid for out of this revolving fund; $375 million is earmarked for specific areas, specific water projects. Now, that means there is less money for the rest of the country. It means that the revolving fund will not be used for the highest priorities, where we need to clean those systems up or allow the systems to be modernized so that the water can be cleaned.

This bill should not be coming to the floor under those kinds of circumstances. We all believe, and the reason we entered the negotiations is we wanted to accomplish something through a bipartisan agreement. In accomplishing a bipartisan agreement, there has to be understandings and the bill was delicately balanced. It certainly was not the bill I wanted completely. It was not the bill the gentleman from Virginia [Mr. BLILEY] or the gentleman from Florida [Mr. BILIRAKIS] wanted in its entirety, but we balanced out the different concerns and had a compromise bill we all felt we could stand behind.

Part of that balancing out was an understanding that we would all negotiate with each other, we would all have to agree to changes all the way through conference. Well, we are not even off the House floor and changes are being made in this bill without our agreeing to it.

□ 1245

In fact, without even knowing about it. Bipartisanship and working to accomplish something in this House has to involve relying on each other to keep commitments, to be able to rely on each other's understandings of where we are going with any legislation.

The provisions in this bill now that have been added are arbitrary. These projects are arbitrarily designated as being ahead of everybody else, every other water system in the country. It is not for public health reasons. It is for political reasons that some projects are being given special treatment.

I feel very sad to have to come here to the floor after all this effort and urge my colleagues not to support this legislation. It seems to me a very poor way for us to be moving legislation that should be a proud accomplishment that all of us should look with pride as having done something in the public interest.

Mr. Speaker, I will yield to others who may want to speak on this legislation, but, while we have in the past told all our colleagues to support the bill, now we have to urge opposition to it. If these projects are meritorious, let us have a vote on them. Let Members have a discussion as to those specific projects. If they were presented to us on the House floor and the Members wanted to go along with it, then I would really have no complaint, even if I were to oppose it. But to have special projects that amount to political pork inserted in the bill and then we have to vote for the whole bill and move those projects along with a bill that everybody wanted seems to me the improper way for us to proceed.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT], chairman of the Subcommittee on Water Resources and Environment.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, we are getting smarter as we go along. We have developed a very good bill that responds to a legitimate need of the American people. That is to deal in a responsible manner with safe drinking water.

The American people have said to us they want smaller, less costly, less intrusive government, and we are responding. But they do not want us to dismantle government and they for darn sure want us to be responsible in protecting the air we breathe and the water we drink, and the food we eat. This measure, the Safe Drinking Water Act, does just that.

I would point out to my distinguished colleague from California this bill does not, let me repeat, this bill

does not contain any earmarks. The bill does not include any site-specific provisions. EPA and the States have the authority to select their own priorities. Let me make that abundantly clear. This bill does not have any earmarks. This bill has some language making recommendations to the Environmental Protection Agency, but the Environmental Protection Agency is given free rein to make the best possible judgments consistent with the objectives of this legislation.

Let me also point out that, if Congress fails to appropriate at least 75 percent of the authorization for the grants program and if the States and localities do not come up with at least a 50/50 cost sharing match, two very responsible ways to deal with the legislation, then all bets are off.

It is important for all my colleagues following this debate very closely to understand this bill does not include any earmarks. What it does include is hope for communities all across this country who have said to us in no uncertain terms, please help us, please give us some resources so that we can do the job that our constituents have every right to expect us to do; that is, to protect the water we drink.

We can go all around the world, and there are very few countries where you can do what I am about to do, reach over and grab a glass of water from a public water system. This is not any fancy imported water. This is from the Washington public water system. I can drink it knowing full well that I am not placing my health in jeopardy. Do you want to know why? Because we have the Environmental Protection Agency, because we have Federal employees implementing Federal regulations, operating under Federal law. Here is to you America. And we are going to do something more. We are going to protect that water supply.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

I do want to take this opportunity to tell the gentleman from New York that he has played a very important role in fashioning a Safe Drinking Water Act that we can be proud of. The right-to-know provisions in this legislation are just one of the areas from an environmental perspective that we have in this legislation due to his enormous efforts. On this bill and any others that affect the environment, the public health, he has been a champion, and I want to commend him for it.

We do not have a disagreement over this legislation and the substance of this legislation. My only complaint, and it is not with the gentleman from New York, is that on our side we were never consulted about the specific projects. We were never consulted about it. We did not know about it until it was put in this legislation.

I do want to underscore the points my colleague has made that, after all the work that has been done, we have a drinking water bill on substance that is one we should proudly support. My only objections are the changes were made.

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, I would like to point out that in our Committee on Transportation and Infrastructure, which, incidentally, is the largest committee of this Congress or, for that matter, any Congress in the history of the Republic, it passed by unanimous vote, Republicans and Democrats alike. And we did have some very thorough consultation.

I can only speak for my committee. We did have some consultation about our section of the bill, and I see some of my colleagues from the committee who were very much a part of that consultation on the other side of the aisle. The point is we have striven mightily to make this not a partisan thing, although we proudly claim an initiative here, but to work in concert with our good friends who are Democrats who share the same vision for America that we all have; that is, we want cleaner water.

I would further point out that I am very mindful of the fact that the gentleman has some special needs in Santa Monica, and we have talked about this and we have exchanged correspondence. This is the ideal vehicle to go forward with the improvements that my colleague needs for the water system in Santa Monica.

Mr. WAXMAN. Mr. Speaker, reclaiming my time, I do not believe that anything in Santa Monica is in this legislation. That was on another matter. The fact of the matter is, my colleague's committee made some decisions. My complaint is not about that committee making decisions within its jurisdiction.

My complaint is that, when we agreed in our committee on a drinking water bill, we agreed that everybody, the gentleman from Michigan [Mr. DINGELL], myself, the gentleman from Florida [Mr. BILIRAKIS], and the gentleman from Virginia [Mr. BLILEY], had to sign off on any changes in the bill that we had. We feel we were not consulted in the changes that were made. That is our complaint. Our complaint is not with my colleague and not with the members of his committee, as to what he may have pursued within his own committee as it affected the bill that we all agreed to and had mutual commitments would not be changed.

Mr. BOEHLERT. Mr. Speaker, if the gentleman will continue to yield, I know time is precious, just let me say that we are about today something that I think is going to make the American people very happy. They watch what goes on down here and they wonder why we cannot come together, Republicans and Democrats, on something so important as safe drinking water. We can look the American people in the eye and say, we have come up with a good program that is going to protect the water supply for America. I think that is a day's deed well done.

I think the gentleman for his help and for his guidance. He was here before I. He has been my inspiration on some occasions. We have been partners dealing with some legislation like acid rain. We are partners here again today. I hope we march forward together and pass this very important legislation.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for his comments and I hope that we will be together on this legislation, if not today, down the road, because we have been consistently fighting the battle on the same side.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS], chairman of the subcommittee that has worked very hard on this bill.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding time to me, my full committee chairman.

Over 5 months ago, I chaired the Health and Environment Subcommittee hearing concerning priorities for the reauthorization of the Safe Drinking Water Act.

The subcommittee heard testimony from public officials, private water systems, and the environmental community. And, while opinions varied, no one disputed the essential task before us—the need to overhaul a well-intentioned, 10-year-old statute which has served us well, but which has not aged gracefully.

Many have cited the need for flexibility in the administration of the law. EPA has also estimated that the capital expenditures needed to comply with current requirements total $8.6 billion. So the question has not been whether to act, but how to best correct identified problems.

At first, I must admit the job looked easy, especially given the action of the other body to vote unanimously in favor of reforms. The careful review of the Commerce Committee, however, has helped to shape legislative provisions which are improved and which I believe will stand the test of time.

We have improved the standard setting language which lies at the heart of the act, making it more workable and efficient.

In addition, the bill strengthens certain provisions regarding capacity development and operator training. The bill will directly improve the human factor in the safe drinking water act.

All of these changes are not universally popular with every interested party. But a careful balance has been struck in this legislation between flexibility in administration and certainty in regulation.

I believe we have a good bill before us. It is a bill which bears the imprint and hard work of many Members too numerous to mention. I would urge its approval to help ensure the continued

safety of the Nation's drinking water supply.

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, the chairman of the full Committee on Transportation and Infrastructure is presiding over some very important hearings at this very hour dealing with aviation safety. Otherwise, he would be here.

The SPEAKER pro tempore (Mr. LINDER). The gentleman from Michigan [Mr. DINGELL] has 25 minutes remaining, and the gentleman from Virginia [Mr. BLILEY] has 27 minutes remaining.

Without objection, the gentleman from Michigan [Mr. DINGELL] controls the remainder of the time of the gentleman from California [Mr. WAXMAN].

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, first of all I want to pay my respects and my compliments to my dear friends, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Florida [Mr. BILIRAKIS]. They have tried hard to work with us on a fair and a decent bill. I believe that it had in that effort a real seed of careful and good legislative work. For that I commend them and for that I thank them.

But between the time that Mr. BLILEY and Mr. BILIRAKIS, the gentleman from California, Mr. WAXMAN, and I agreed with regard to the substance of the bill, something peculiar happened. All of a sudden, we have found that the Committee on Transportation and Infrastructure, well known for its ability to seize pork wherever that pork might be found, has done so again.

So we do not bring Members a bill which is going to make safe the waters only. We bring here a bill which through some curious process between the time the bill left our committee and the time it came to the floor came to contain 375 million dollars' worth of pork.

My staff informs me that perhaps a couple of the projects which are in this area of pork have some merit. Most of them are, quite frankly, nothing more or less than shameless raids by the Committee on Transportation and Infrastructure. Not only are they quite shameless raids, but they are for projects which are quite lacking in merit. More importantly, they are an attempt to raid a small fund which is going to help communities all across this country to make safe the drinking water upon which their people are dependent.

□ 1300

They are things for parks and for rehabilitation of water systems, improvement and restoration of an aquatic system at Pennypack Park. They are other wonderful programs for water line extensions. They are programs for construction and activities at a reservoir.

There are other infrastructure water assistance programs, not for making water safe for the public at large, not for carrying out the purposes for which this program was set up, but simply to take care of some political things so that we now have a safe drinking water bill where the moneys available to assist communities in addressing the problem of safety of their water simply are being perverted by the Committee on Public Works to seize a wonderful opportunity to convert meaningful public expenditures into pork to benefit the members of that committee and to get around the constraints that are put on by Republican colleagues over here with regard to how public moneys have been spent.

This is a sneaky, dishonest effort to get around the requirements of the Budget Act and the budget. That is all it is. This is not good, honest, carefully thought-out legislation at all. It has been perverted by the Committee on Transportation and Infrastructure in a fashion which is unique to that committee, and it manifests in a splendid way fiscal irresponsibility on that side of the aisle from which Members over here were totally excluded. It also manifests splendid irresponsibility in seizing and converting funds which should have gone to communities for making water safe, into pork. Thus has the Committee on Transportation and Infrastructure served this body.

Every Member of this body could look at this piece of legislation and say my district would have had a chance to get real and meaningful assistance in terms of cleaning up our water supply, making it safe, but the Committee on Transportation and Infrastructure has stolen $375 million out of that fund for their own peculiar, unreported purposes for which there have been neither hearings nor reports, and they have done so in a way which evades the Budget Act.

Now, the bill started out to be a responsible effort to clean up the drinking waters of this country, to avoid the kind of things that struck Milwaukee where they had a major infestation of an intestinal parasite which caused a large number of deaths and an even larger number of sicknesses and illness. It is an attempt to see to it that water systems in places like Washington, DC, where we have been told that the waters of this city that are used by the citizens of this city should be boiled because they are unsafe. But, no, we have gone to steal money from the State-controlled drinking water fund to fatten pork projects suggested not on the basis of need, but on the basis of congressional politics and in a splendid way to escape the constraints that my Republican colleagues would put on the budget for the Committee on Public Works.

I think this is clearly wrong. The revolving fund which is raided to the tune of $375 million is an important assistance to communities across this country, which desperately need those moneys to carry out important projects. But some 14 members of the Committee on Public Works and their friends have decided, no, those moneys are going to be shortstopped, those moneys are going to be taken off to take care of their own peculiar special nice interests at the expense of all the other Members of this body and at the expense of a program which is already far too small for the cleaning up of the drinking water supplies of the people of this country.

The only source of money, apparently, that the Committee on Public Works could find from which they could filch this money was the funding which is included in this bill for the protection of drinking water supplies and for the restoration of the safety of those drinking water supplies. Those moneys are limited, but they are essential, and they are important to the public health to the safety of the people of this country, Mr. Speaker, and they are a public expenditure which is very important to all the people.

Now, Mr. Speaker, I will be happy to yield to the gentleman from New York [Mr. BOEHLERT] briefly.

Mr. BOEHLERT. Mr. Speaker, I thank my distinguished colleague for yielding, and I do not wish to interrupt his fun, but I do appreciate his giving me a time to respond to some of his comments. The gentleman from Michigan is suggesting that what used to be called the Committee on Public Works which is now called the Committee on Transportation and Infrastructure, this is the new era——

Mr. DINGELL. I know it by the old name, and they are still up to their old practices which is pork, pork at all costs, pork at any cost, pork without responsibility, pork without need, pork. We perhaps should change their name to the committee on pork.

Mr. BOEHLERT. As my colleagues know, I have only been here 14 years, so I am still learning, but I am talking now to the master because, as I look here at the River Rouge project over the past few years, I notice there are $320 million that has been earmarked at the direction of the gentleman from Michigan.

Mr. DINGELL. That was a wise expenditure, and I thank the gentleman.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. I say that in a spirit, the good spirit of the day. I just want to point out as we are talking about something, just because he says it is so does not mean it is so. Let me stress this bill does not have any earmarks; earmarks, that is, directing the expenditure of a certain amount of money for any particular project. That is very important for all my colleagues to understand.

Second, the preceding speaker, the gentleman from Michigan, for whom I have the greatest respect, could teach us all a lesson on how to get pork because, as I look at the appropriations

from 1992 through 1997, I notice $320 million specifically earmarked for the Rouge River National Wet Weather project. Now, in 1992 it was $46 million; he was modest that year. In 1993 he got a little more energized, was up to $82 million, and keep going up. In 1994, $85 million. In 1995, in the spirit of the day, modestly went back to $75 million. In 1996, well, there have been some changes around here, was only $11⅝ million, but in 1997 the committee report already includes $20 million.

The point is, and I have no quarrel; I used to live in Michigan. I can understand the importance of cleaning up the Rouge River, and I want to work with the gentleman to do just that.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I rise in support of the legislation that was reported out of the Committee on Commerce.

Mr. Speaker, this Member would like to engage the distinguished gentleman from Virginia [Mr. BLILEY] in colloquy regarding the provisions of the bill relating to ground water disinfection.

Nebraska is by far the most ground water-dependent State in the Nation. As this Member made clear in the statement submitted for the RECORD, the ground water disinfection rule could place an absolutely unworkable and untenable burden upon many of our local communities unless reason prevails. In fact, chlorination of community drinking water from ground water sources, which may present some health risks, could be requiring a solution to a nonproblem in most Nebraska communities.

Is it the committee's intent that communities using groundwater as a drinking water source will not be required to disinfect the water unless an actual health threat is present?

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, as the gentleman is aware, the bill provides in section 105 that EPA must issue criteria which a State would be required to use to determine whether disinfection is necessary for any public water system served by ground water. In developing such criteria, the administrator is authorized to use the new authority in the bill to set a different level if she determines that the benefits of the regulation do not justify the costs, provided that the level she establishes maximizes health risk reduction benefits at a cost that is justified by the benefits.

Mr. BEREUTER. Mr. Speaker, reclaiming my time, would this legislation also ensure that the potential health risks associated with chlorination, as well as the costs associated with disinfection be taken into account when developing the ground water disinfection rule?

Mr. BLILEY. If the gentleman would yield, the answer is ''yes.'' Under this legislation, the administrator is required to conduct an analysis of the costs and benefits of a proposed regulatory level. This analysis must include a review of health risk reduction benefits as well as compliance costs.

Mr. BEREUTER. Reclaiming my time, this gentleman thanks the distinguished gentleman for this clarification.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. BURR], a member of the committee.

Mr. BURR. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY] for yielding, and I also thank him and the gentleman from Florida [Mr. BILIRAKIS] for their leadership on this bill.

This bill seeks to protect public safety by improving the outdated law that regulates tap water. It is not a perfect bill, but it is a good bill, it is a bill my colleagues should support. The safe drinking water bill is well negotiated, bipartisan agreement grounded in three vital principles:

First, targeting the most dangerous contaminants in our tap water; second, providing greater resources to small water treatment plants; and third, making sure consumers know more about the tap water that they use more so than ever before.

I want to personally thank those people in North Carolina who had faith in this process. I want to thank key individuals in North Carolina: Linda Sewall and Rick Durham from the North Carolina Department of Environmental Health and Natural Resources for their help and their understanding as we went through the process; and I want to thank Terry Henderson in North Carolina, who heads up the North Carolina League of Municipalities for his support.

I urge my colleagues' support for the Safe Drinking Water Act. It is the right thing.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I just listened to what my colleague from North Carolina said, and I agree with everything he said, but the problem is that the bill, as it came out of the Committee on Commerce on a bipartisan basis, was appropriate this morning for action on the suspension list. Normally, as we all know, we put bills on the suspension list if they had been agreed to on both sides, if they are good government and we want to get them moving in an expedited fashion. The problem is that somehow when this bill left the Committee on Commerce, all these pork projects were added to it, and that now jeopardizes the legislation, which is really sad.

This was a bill that was to be a model for a bill that we could get together on a bipartisan basis that would help from an environmental point of view, that would help with the public health. We had the President's support. the legislation that came out of the Committee on Commerce was very similar to what passed the Senate. So we were expediting it because we felt we could get it to the President's desk and be signed into the law.

All of that is out the window now because of the action that was taken by the Republican leadership. And I think it is a real shame because, because of the addition of these particular projects which are earmarked in the bill and not on an objective basis, that means now that we jeopardize the possibility of it passing the House on an expedited basis, we jeopardize the possibility of coming to an agreement quickly with the Senate and also getting the President to sign the bill.

And I just wanted to say for those who are saying that it is not true that there are specific earmarks or pork in this bill, I am just reading from the report language that says that the administrator is directed to provide priority consideration to the following projects, and then 13 or 14 projects are specifically listed as having to be prioritized.

That goes against the objective criteria that were put in the bill in the Committee on Commerce. Basically, the money in this fund was supposed to be divided between the States on an objective formula, and they would decide to focus the money on projects that address the most serious health risks. This is no longer the case, and that is why we have to oppose this bill on the suspension list.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON], who has been very helpful on the right-to-know provision on this bill.

Mr. SAXTON. Mr. Speaker, I appreciate the opportunity to just take 1 minute to say to my friends on the other side of the aisle we have worked together so well through this process I would certainly hope that we could bring it to a successful conclusion here today.

The gentleman, the chairman of the subcommittee, the gentleman from California [Mr. WAXMAN], and I in particular worked together on the community right-to-know provisions so that everyone who reaches up and turns on the tap water in their home or in their place of business will know that it is good, clean water without contaminants that will be harmful to them or their families. This is a consumer-friendly bill, therefore, which will provide our constituents with more information than ever before.

□ 1315

When this bill become law, violations of the water standards will be reviewed and be reported to customers within 24 hours of any violation, and every year every member of the community, every consumer in the community, will be

provided with a consumer confidence report listing all foreign materials. I think this is an excellent bill and I urge passage today.

Mr. BLILEY. Mr. Speaker, I yield myself 30 seconds.

I would point out, Mr. Speaker, that some of the groups supporting this bill are the National Governors Association, National League of Cities, U.S. Council of Mayors, National Association of Counties, National Conference of State Legislatures, Association of Metropolitan Water Agencies, and the list goes on and on.

Mr. Speaker, I include for the RECORD the following list of organizations in support of the legislation.

The material referred to is as follows:

GROUPS SUPPORTING H.R. 3604

The National Governors' Association.
National League of Cities.
U.S. Conference of Mayors.
National Association of Counties.
National Conference of State Legislatures.
Association of Metropolitan Water agencies.
American Water Works Association.
National Association of Water Companies.
Association of State Drinking Water Administrators.
National Water Resources Association.
Association of Metropolitan Water Agencies.
Clean Water Action Project.
National Wildlife Federation.
Natural Resources Defense Council.
U.S. PIRG.
Citizen Action.
Physicians for Social Responsibility.
Consumer Federation of America.
Friends of the Earth.
AIDS action Council.
Environmental Working Group.
American Public Health Association.
American Cancer Society.
American Oceans Campaign.
American Rivers.
Chesapeake Bay Foundation.
Childhood Lead Action Project, RI.
Citizen Action of New York.
Clean Water Action.
Clean Water Action Alliance of Minnesota.
Colorado People's Environmental and Economic Network.
Consumer Federation of America.
Cornicopia Network of New Jersey, Inc.
Defenders of Wildlife.
Environmental Information Center.
Government Accountability Project.
Kentucky Resources Council.
Lake Superior Greens.
Long Island Progressive Coalition.
Metropolitan Ecumenical Ministry.
Mothers & Others.
National Consumers League.
Network for Environmental & Economic Responsibility.
New Jersey Environmental Federation.
New York Rivers United.
North Carolina Coastal Federation.
Northern Environmental Network.
Religious Action Center.
Save the Bay, RI.
Union of American Hebrew Congregations.
WashPIRG.
Wisconsin Citizen Action.

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I thank the ranking Member for yielding time to me.

Mr. Speaker, I want to say to the gentleman from New Jersey [Mr. SAXTON] what an important contribution he played in this bill. One of the very significant features of this bill is the right to know section that will give people clear information about any risks they are taking. I think that is important for people to have. We ought to empower people with that kind of information. I want the Members of this body to know that the gentleman from New Jersey, who introduced his own legislation, has worked with me and others and was responsible for this.

Mr. BLILEY. Mr. Speaker, it gives me pleasure to yield 1 minute to the gentleman from Iowa [Mr. GANSKE], a valuable member of the committee.

Mr. GANSKE. Mr. Speaker, I speak in favor of this bill. This legislation not only protects the environment and human health, but it does so in a way that is smarter and better than before. Gone are many of the costly and inflexible command and control mandates. For the first time, true risk assessment and cost-benefit analysis is brought to this statute. We have made more manageable the requirements of the EPA in determining new contaminants. Greater flexibility has been given to local systems, which have vastly different needs and concerns from each other. We have increased the technical assistance provided to smaller systems in order to ensure that they can deliver the best and safest drinking water possible.

One area of particular concern to me in my home State of Iowa is adequate and fair source water protection. The measure we are debating today contains an honest and fair source water program. Up to 10 percent of the State revolving fund can be used by water systems to enter into voluntary incentive-based source water protection programs with willing upstream neighbors, whether they are farmers or businesses. This is a very good addition. I urge its prompt adoption.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to take a few moments to address the merits of the Safe Drinking Water Act, which we are discussing today. I am very concerned about the continued ability of rural parts of this country to have access to water. This might come as a surprise to some, but there are many areas in this country, including central and southeastern Illinois, that are just now being reached by rural water cooperatives, just now receiving the benefits of full water service. This has not happened overnight. It has taken a lot of hard work by people at the local, State, and Federal level.

Mr. Speaker, I am a cosponsor of this bill, H.R. 3406, because it strikes a necessary balance between environmental protection and relief from brudensome regulations for many of our small communities. There are provisions that recognize the particular needs and constrictions of these locales, and I would hate to see an opportunity for such forward-thinking legislation be missed. The Safe Drinking Water Act has received bipartisan support throughout the committee process and has been endorsed by the administration as well as environmental groups. Moreover, our cities, towns, and constituents have repeatedly voiced their support for this action. Let us do the right thing, the necessary thing, and pass this legislation and ensure the ability of all Americans to drink clean water.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I thank the distinguished chairman and my colleague for yielding time to me.

Mr. Speaker, I wish to come back to something that is very important, that we repeat several times to make certain all clearly understand this. This bill does not have any earmarks. That is very important. The funding for the grants program, incidentally, is in response to the demand, the cry, the plea from our Governors, our county officials, and our mayors that we come up with a grants program.

The grants program is contingent on Congress first appropriating at least 745 percent of the amount authorized for the revolving loan fund. They are intended for hardship communities. Mr. Speaker, I think my colleagues on both sides of the aisle should be working hand in glove, as the gentleman from Pennsylvania [Mr. BORSKI] has with me on this subcommittee as we have brought this out on a bipartisan basis, because we recognize there are communities that have legitimate needs and just do not have the wherewithal to address those needs. Thus, the creation of this grants program. It is a good program, and I urge my colleagues, on a bipartisan basis, to join me in supporting it.

Mr. DINGELL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I sit on the Subcommittee on Health and Environment of the Committee on Commerce, and this bill has been held up repeatedly as an example of bipartisanship. That is the way it started. That is the way it started. It went through the Senate 99 to nothing. It went through our full committee 44 to nothing.

Then, a funny thing happened as it came over here. There are 375 pages that have been added, that no one has had a chance to see. I ask every Member, have they read the 375 pages? No, they have not. They are going to vote on something they have never read, they have never seen, we have never had a hearing on, we never had a chance to debate. I worked long and hard with the Members on this bill. We had a good bill. It has now gone down the drain.

Take a look at it. Title V, go to title V. That is where all the changes are.

This bill was a good bill. Title V will now jeopardize the public health, and I believe it will undermine the State revolving fund by limiting the States' flexibility to prioritize. That flexibility we have heard about for the last 2 years, giving it back to the States, has just gone out the window in the last 24 hours. There is no flexibility.

Mr. Speaker, the bill at the current level of funding, with the set-asides for designated, we do not want to say earmarked projects, let us call them designated activities, continue to limit the availability of funds needed for a permanent revolving fund. We worked so hard to get the money in there, the State revolving fund, the technical assistance program with the EPA. It was all in here to help areas, small areas like mine in northern Michigan.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding, Mr. Speaker.

Let us not overstate this revolving fund. We are offended by it. But this bill is a good bill. One of the reasons it is a good bill is the provision the gentleman has authored to be sure we had estrogenic review of any impurities in the drinking water, any kind of pollutants that would have a causal effect on breast cancer. This is a very good bill. Let us not forget it is a very good bill. Let us not ignore that we have something we can be very proud of.

It is unfortunate that we have the disagreement, and we are stating our disagreements about the result of putting in these earmarkings of the water systems. That is something we will debate and will go to conference on and talk further about, but I wanted, while the gentleman is speaking, to make the point that his contribution led to this being a much better bill in a very fundamental way.

The American people are worried about impacts on them from chemicals. The idea that in their drinking water there might be something that could be a cause of breast cancer is a horrifying thought. We will now measure that, we will screen for it, and make sure that does not happen.

Mr. STUPAK. Mr. Speaker, my question to the gentleman from New York is, there have been a lot of questions about the State revolving loan fund. The gentleman from California [Mr. WAXMAN] has pointed out a number of parts about it.

I would ask the gentleman from New York, can we agree and promise the American people and Members of this body that when it goes to the conference committee, that the 57-percent trigger that protects the State revolving loan fund will stay in there? Because without that trigger, this thing becomes more a pork barrel project than what has been added to it. The only way to protect this bill and those 375 earmarks that are there is that we have some protection that that 75 trigger remains in. I know the gentleman will be in the conference committee. Can he promise that to the Members and the American people?

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, let me tell my colleagues I helped author that provision, so I am going to be very supportive.

Just let me say, despite what anyone might suggest, no one can convince me that this is a glass of vintage wine. This is a glass of water. We may call it vintage wine, we may repeat it over and over, but it does not change the fact it is still water. The fact of the matter is there is no pork in this bill. There are no earmarks.

Mr. STUPAK. Mr. Speaker, I include for the RECORD this statement of administration policy.

The statement referred to is as follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 3604—SAFE DRINKING WATER ACT AMENDMENTS OF 1995

The Administration strongly supports H.R. 3604 as reported by the House Commerce Committee. Ensuring the safety of the Nation's drinking water is one of the Administration's top environmental priorities.

H.R. 3604, which is the result of a bipartisan effort, reflects the Administration's recommendations for strengthening public health protections by: (1) establishing a State Revolving Fund (SRF) to subsidize community efforts to improve drinking water safety; (2) providing a flexible framework to promote the protection of drinking water sources; (3) providing responsible regulatory reforms including the appropriate use of cost-benefit analysis in standards setting; and (4) strengthening State programs for improving the capability of water systems to provide safe water. These provisions coupled with the bill's improved consumer awareness provisions will help meet the challenge of providing safe and affordable drinking water.

The Administration, however, strongly opposes the provisions added in Title V which jeopardize public health and undermine the SRF by limiting the States' flexibility to prioritize project funding. Furthermore, the Administration recommends that H.R. 3604 be modified in conference to minimize the number of earmarks on State Revolving Funds. The bill's current level of Fund set-asides for designated activities would limit the availability of funds needed for a permanent revolving fund. The Administration may also propose several technical corrections in conference.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. BORSKI] to speak on behalf of pork.

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Speaker, let me thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to support H.R. 3604, the Safe Drinking Water Act Amendments of 1996, as amended by Chairman BLILEY.

I wish to commend the chairman and the ranking Democrat of the Commerce Committee for their fine work in developing this important, bipartisan legislation for the benefit of States and local water suppliers and the customers they serve. This bill demonstrates the way in which we in the House can work on a bipartisan basis to resolve a serious need facing the States and local interests.

Mr. Speaker, while the Transportation Committee has been very interested in the financing provisions of this bill, I also wish to indicate my support for the regulatory reforms contained in the bill. The bill makes important modifications to the drinking water programs. The bill modifies the way in which EPA sets drinking water standards to better meet the needs of local communities. It also enhances State flexibility on monitoring requirements and assures improved capacity to meet drinking water standards. I am also pleased that the bill includes provisions on right to know. I have always strongly supported measures to assure that citizens are adequately informed about the condition of their environment.

Mr. Speaker, I know that there have been issues raised about additions which have been made to the Commerce Committee bill as ordered reported. Several of these changes were made to accommodate the interests and concerns of the Transportation Committee. I am particularly pleased that the bill includes the Transportation Committee provisions to establish a separate grant program to aid communities in developing adequate water supply infrastructure.

These provisions were developed in the Transportation Committee on a bipartisan basis, and reflect the fair and full consideration of the committee. The separate grant program represents the Transportation Committee's view, based upon numerous hearings, of how to best meet the overall drinking water needs of the Nation. While I support the intent of the Commerce Committee bill to assure that funds are used toward compliance with the Safe Drinking Water Act, the overall needs of States and local governments to provide a safe and reliable source of drinking water dwarf the needs solely related to that act. We on the Transportation Committee have determined that there is a Federal role in responding to those greater needs as well.

The infrastructure needs of the country are enormous, and no less so in the area of drinking water. Recent estimates of need for drinking water infrastructure are as high as $23 billion, just to meet needs which are known to exist over the next 5 years. While it has been fashionable of late to blame water supply infrastructure needs on so-called unfunded Federal mandates, the truth is that only about $3 billion of the $23 billion in needs, or less than 15 percent of the needs are associated with Federal drinking water standards. The vast majority of needs are associated

with basic infrastructure which is necessary to provide adequate water supplies to the public.

These needs are great and know no political or regional boundaries. In my State there are needs to remove harmful pollutants from what should be pristine waters. In older urban areas, the water supply infrastructure is badly in need of rehabilitation and repair.

Mr. Speaker, this bill demonstrates the good which the Congress can do if it works together, in a bipartisan manner to address the Nation's problems. It also demonstrates the ability for multiple committees in the House to work to reach a common goal.

When President Clinton first proposed Federal assistance to assist States and localities in providing safe, reliable drinking water supplies, the Public Works and Transportation Committee responded by quickly drafting and reporting to the House legislation which would establish such a program. We modeled it after the highly successful State revolving loan fund program of the Clean Water Act. I am pleased that the bill before us includes many of the same elements as were in that proposal.

With Chairman BLILEY's amendment, this bill now also includes the very important authority for the Administrator to make grants, in addition to the State revolving loan fund program, for drinking water needs.

Mr. Speaker, this additional grant-making authority is crucial to meeting the Nation's overall drinking water needs. In our committee's experience with the Clean Water Act, we have learned that there are times when even very low or no interest loans are just not sufficient to provide affordable, adequate basic infrastructure. While the overwhelming majority of assistance under this bill will be provided through the revolving loan program, the modest grant program fashioned in the Transportation Committee, and which has been included in the chairman's amendment, will help complete the package of financial assistance for communities who need such assistance. By way of example, the Appropriations Committee just completed action on legislation for EPA which will provide grant assistance for a variety of projects such as the Texas Colonias, Boston, Massachusetts, New Orleans, Louisiana, and the Rouge River in Michigan.

This bill promises much in the way of meeting drinking water infrastructure needs. I hope that the majority will be committed to assuring the authorizations in this bill do not become illusory. If this bill is to be the success which it should be, we must assure that the appropriation levels match the authorization levels. Unfortunately, that very same appropriations bill which will fund this legislation provides less than one-half of the authorized amount for fiscal year 1997. I hope that before there are too many congratulatory remarks about meeting infrastructure needs for drinking water, that the majority revisits their priorities in responding to local needs. A $1 billion authorization, appropriated at only $450 million, is still only a $450 million program. Let's watch what the majority does, as well as what they say. I am prepared to work on a bipartisan basis to achieve full funding for this important program.

Mr. Speaker, this legislation is the culmination of a proposal first made by the Clinton administration more than 3 years ago. It is time to get this bill to the President for his signature. I hope that we will be able to resolve quickly any differences with the Senate and assure its speedy enactment.

I am pleased to support the bill, as modified by the chairman. I urge my colleagues to join me with their support as well.

□ 1330

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I rise in strong support of this bipartisan bill, and I would like to thank the gentleman from Virginia [Mr. BLILEY] and the gentleman from Florida [Mr. BILIRAKIS] for addressing this issue in such an open manner.

This bill represents a triumph for commonsense and science-based environmental strategies; it focuses on the product, rather than the process, and values the outcome of the regulations above the regulations themselves.

Our bill will refocus our priorities toward the most immediate threats to the public health, provide EPA and local water authorities with greater flexibility in how they can administer this act, and place new emphasis on making sure that public water systems have the technical and financial resources they need to meet the standards of the Safe Drinking Water Act.

I can't emphasize enough the progressiveness of this bipartisan bill—we moving forward toward a need and outcome-based strategy, and working together in cooperation instead of confrontation. This will help us to better serve the public health needs of the American people, and provide us all with a cleaner and safer environment.

Mr. Speaker, I ask that my statement be included in the RECORD and I urge my colleagues to support this bill.

Mr. Speaker, I am pleased to rise in strong support of H.R. 3604, the bipartisan Safe Drinking Water Act Amendments of 1996, which will achieve for the American people vast improvements over the existing inflexibilities of the existing outdated Safe Drinking Water Act [SDWA]. This reauthorization of the SDWA will provide a commonsense, science-based blueprint for how to most effectively determine and implement the regulation and protection of our drinking water supply.

This bill will be a significant step forward, away from an outdated and ineffective process that places higher value on the regulation itself, toward a more progressive and outcome-based process which will allow us to best serve the public health needs of the American people. I am very proud to have been able to play a close role in strengthening and improving such an important statute as the SDWA. These amendments will provide for sensible and much-needed reforms in how the SDWA is implemented. H.R. 3604 will help to refocus EPA's resources toward those contaminants which present the greatest and most immediate threat to public health, provide EPA and local water authorities with greater flexibility in administering the law, and place new emphasis on ensuring that public water systems have the necessary technical, managerial, and financial resources available to comply with the SDWA.

Mr. Speaker, this also marks a significant achievement in our ability to recognize and address flaws or gaps in our existing environmental or public health strategies. Laws such as the SDWA were clearly well-meant at the time of their inception—in this case, the 1972-era SDWA has not been reauthorized since 1986. However, the passage of time invariably exposes weaknesses or shortcomings in the strongest of our statutes. In the past, it has often been easier to confront problems by simply blaming a law, instead of focusing closely on whether the law in question is being properly implemented, or whether it is still effective in serving its intended purpose. These laws need to be as dynamic and flexible as the rapidly changing environments we intend for them to protect.

This means that occasionally such laws must be revisited and renewed, in order to reflect its original goals. I firmly believe that we ought not to cling to the conventional wisdom that our public health and environmental laws are ''set in stone,'' and incapable of being improved. In order to maintain their effectiveness, we have the responsibility to see to it that when modern science and technology can be applied to improve these laws, we act to do so. Many of our crown jewel environmental laws were written over 20 years ago, and it is incumbent upon us to make these needed improvements when necessary. With this comprehensive reauthorization, we complete a challenging but needed task on behalf of all of our constituents nationwide, and I commend my chairman, Mr. BLILEY and Mr. BILIRAKIS and my other colleagues who worked hard together, in a bipartisan manner, to bring us to this point.

There are two aspects of this bill which are of particular interest to me, and upon which I would like to elaborate. Under current law, there is no standard for radon that occurs in drinking water. H.R. 3604 requires that, within 3 years, EPA must promulgate a standard for radon in drinking water using the new standard setting provisions of the bill, which require the use of the best available science and the risk assessment process. I had several specific concerns about this provision, due to the unique challenges radon presents as a contaminant in our environment. Radon is an odorless, colorless gas which occurs naturally, and rises from the soil. Man has been exposed to varying levels of radon since the beginning of time, which makes it more difficult to focus on ample margins of safety within the context of the SDWA. Because it is a natural element, there is no way to alter its occurrence level in outdoor air, which is where humans receive their greatest exposure to radon.

My concerns were that under this provision, it could be feasible for the EPA to promulgate a standard for radon which would require water systems to treat for radon in drinking water at a level well below the level of radon which is already occurring in ambient air; in other words, focusing considerable financial resources on mitigating a relatively small percentage of our total overall exposure to radon. For small water systems especially, such a scenario could result in scarce financial resources being diverted from other, more pressing health considerations, such as crytosporidium and other microbial contaminants. Additionally, since radon occurs at widely varying levels across the country, I was concerned that by allowing up to 3 years for the EPA to set a standard, areas which might have a more immediate need to address radon occurrence might not be provided with a standard as swiftly as could be.

During our committee's consideration of the SDWA bill, I prepared an amendment to assist in these discussions with my colleagues, and which I was prepared to offer to the bill. It would have required EPA to link its level of treatment of radon occurring in water to the level of radon occurrence in ambient air; as mentioned previously, I believe it is important to consider the overall exposure risk of any potential contaminant, including radon. Additionally, providing EPA with this kind of direction would enable them to establish a standard faster, for areas that might have higher occurrence levels. Finally, my amendment would have specified that States may set more restrictive levels for radon, if it were determined that such a level would provide more health protection than the Federal standard. I ultimately chose to not offer the amendment, opting to focus instead on working on a dialog to address this with other of my colleagues who shared my concerns, and which I am confident will continue as this bill moves into conference.

Clearly, radon is a complicated part of the SDWA puzzle. I worked closely with several Members, including my California colleague, HENRY WAXMAN, to try and find a solution which would address these radon question adequately. We were able to recognize and identify several potential alternatives, and discussions as to how to best implement them will no doubt continue as we move into the conference committee. I would point out that these discussions were on several occasions mistakenly and inaccurately labeled as attempts to weaken the bill's radon standards. In truth, those of us here in Congress who have some experience in administering public health programs, myself included, are intent on providing the best possible strategies for protecting the public health, and our dialog was focused on that goal alone.

Additionally, Mr. Speaker, there is one section of the bill of which I am particularly proud. Section 410 of H.R. 3604 consists of language from a bill I introduced last year—H.R. 2601—to require that Federal standards for bottled water keep pace with our standards for tapwater. Because bottled water is considered a food item, the Food and Drug Administration [FDA] regulates its production and sale to protect the public health. The EPA, on the other hand, has jurisdiction over public drinking water standards. However, the FDA has not always been timely in issuing its regulations for elements in bottled water, after EPA has published its regulations for the same elements in public drinking water. As an example, on December 1, 1994, FDA published a final rule for 35 elements in bottled water; however, nearly 4 years earlier, EPA had issued its regulations for the same elements in public drinking water.

My language will simply require that any EPA regulation which sets a maximum contaminant level for tapwater, and any FDA regulation setting a standard of quality for bottled water for the same contaminant take effect at the same time. If the FDA does not promulgate a regulation within a realistic timeframe established by section 410, the regulation established by the EPA for that element in tapwater will be considered the applicable regulation for the same element in bottled water. This will provide consumers with the health assurances that the water they can purchase off the shelf meets at least the same standards as their tapwater.

Mr. Speaker, I have several supporting documents which I would like to have inserted into the RECORD along with my statement.

In conclusion, Mr. Speaker, in my hometown of San Diego, we are fortunate to already enjoy an extremely high standard of quality in our drinking water; a study by a national environmental group found that water systems in the San Diego region reported zero health advisories over the last 3 years. By comparison, the same study found that an alarmingly high percentage of water systems in some regions of the country—including Washington, D.C.—reported health advisories or compliance failures during the same time period. Our safe drinking water amendments will strengthen existing law, and help bring these high levels of health and environmental quality which we appreciate in San Diego to other communities nationwide. Again, and I can't emphasize it enough, this is a progressive step forward, away from a 1970's-era process which places higher value on process and regulation itself, toward a more responsible and outcome-based approach which focuses on the product that is generated. This will help us reinforce our common goals of better serving the public health needs of the American people, and providing us with a cleaner and safer overall environment.

COUNTY OF SAN DIEGO, DEPARTMENT OF ENVIRONMENTAL HEALTH,
*San Diego, CA, June 24, 1996.*

Hon. BRIAN P. BILBRAY,
*Congressman, 49th District,*
*Washington, DC.*

DEAR CONGRESSMAN BILBRAY: This letter is in response to your request to provide technical input regarding draft language that you may propose related to the maximum contaminant level [MCL] for radon in drinking water. The Department of Environmental Health supports efforts to establish a maximum contaminant level [MCL] for radon in drinking water that is based on an analysis of the hazards that radon poses to human health.

Your proposed amendment is based on the Conference of Radiation Control Program's recommendation to establish a realistic standard for radon in drinking water. We concur with this recommendation. It has been estimated that the nationwide average concentration of radon in groundwater is 351 pci, but ranges from 24 pci to 10,000 pci. Establishing the level at 200 pci is not practical. In order to reduce radon levels to 200 pci, the water must be treated. One treatment method, using granulated activated carbon filters, produces a radioactive waste. The cost of homeowners and water districts could be significant.

The significant routes of exposure, the risks of those exposures, and the available water treatment technologies to reduce those risks should all be considered in the establishment of an MCL that protects public health. The literature is lacking information on the ingestion health effects of radon. Therefore, we recommend that further studies be conducted to define this hazard.

If you have any questions, or need additional information, please call me at (619) 338–2211.

Sincerely,

DANIEL J. AVERA,
*Director,*
*Department of Environmental Health.*

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ALLIANCE FOR RADON REDUCTION,
*Washington, DC, June 25, 1996.*

DEAR REPRESENTATIVE BILBRAY: On behalf of the Alliance for Radon Reduction, I would like to express our appreciation for your recent public statements regarding radon in drinking water. As you stated during committee consideration, humans have been exposed to varying levels of radon since the beginning of time, and radon presents unique challenges from a public health perspective.

Our national organization is comprised of water agencies and municipalities with members from fourteen states. Since 1992, we have been working with the Environmental Protection Agency [EPA] and Congress to formulate as reasonable and cost-effective ''radon in drinking water'' strategy that protects the public health.

The House Safe Drinking Water Act [SDWA] reauthorization bill takes the approach that radon should be regulated like other drinking water standards and directs EPA to promulgate a standard within 3 years. Under the House bill, the radon standard would be based on the standard setting and risk/benefit cost analysis process that is being established for all other drinking water contaminants. The House bill also directs EPA ''to take into account the costs and benefits of control programs for radon from other sources.''

The Senate SDWA reauthorization bill would direct EPA to promulgate a standard for radon in drinking water no later than 180 days after enactment at a concentration level of 3,000 pCi/L. This level was selected to assure that the risk from radon in drinking water was comparable to the risk from radon in outdoor air. (A level of 3,000 pCi/L equates to the lower end of the range of national average outdoor radon concentrations as determined by EPA.)

While the Senate bill recognizes the need for radon to be regulated under a framework different than the standard setting process applicable for all other drinking water contaminants, the House bill does not make this distinction except with respect to recognizing the importance of non-drinking water sources of exposure.

The primary question for Congress to consider is: Should radon be regulated directly from other drinking water contaminants?

1. EPA has been trying to set a radon standard for more than fifteen years. EPA's difficulty in setting a standard has been largely rooted in the challenges of using the standard setting process applicable to all other drinking water contaminants. Given that radon is unique among drinking water contaminants, traditional standard setting approaches should not be applied.

2. Radon is naturally occurring and the public is continuously exposed to radon. While compounds such as lead and arsenic are also naturally occurring and therefore the public may be exposed, there is not the

continuous, passive, unavoidable exposure that the public experiences with radon.

3. The risk from radon exposure at the naturally occurring unavoidable level can not be assessed from the same vantage point as other drinking water contaminants, or for that matter other environmental hazards. According to EPA estimates, the cancer risk from exposure to radon in outdoor air is in the 1/1,000 risk range. The risk from indoor air exposure has been estimated to be in the 1/100 risk range. These risks are orders of magnitude greater than the risks from other environmental pollutants. EPA's policy has been to set standards in the 1/100,000 to 1/1,000,000 risk range. Such a framework for standard setting should not be applied to radon because the natural background level for radon in air is orders of magnitude greater than the level found in water.

4. The establishment of an unnecessarily stringent radon drinking water standard will divert resources away from other radon public health programs. The Conference of Radiation Control Program Directors [CRCPD], a national organization of state radiation protection directors, recently stated support for the approach taken in S. 1316 because ''it would rougly result in water contributing no more radon to indoor air than is present in outdoor air'' (May 3, 1996 CRCPD letter to the Alliance for Radon Reduction). In an earlier August 30, 1990, letter to then EPA Administrator Reilly, CRCPD notes that:

''A low MCL for radon in water will probably have an adverse effect on the overall effort of EPA to reduce deaths from radon exposure because resources that would otherwise be used to address the much more serious problems of radon in air will be diverted to address the much less serious problems of radon in water. It is difficult to conceive of a cost/benefit analysis which would support this decision.''

In conclusion, we believe that radon should not be regulated like other drinking water contaminants. Radon's characteristics suggest that a non-traditional approach is needed for the establishment of a standard that considers the public's overall exposure to radon from all sources. The approach adopted by the U.S. Senate would provide the public health protection necessary to address radon in drinking water and allow the EPA to move forward expeditiously to estalish a standard. If the Agency is compelled to use a traditional risk/cost-benefit approach for controlling radon in drinking water, it is likely that we will be without a radon standard for many years.

We hope that the conferees will consider these points during the process of reconciling the House and Senate versions. If you need further information regarding radon in drinking water, please do not hesitate to contact us.

Sincerely,

DAVID REYNOLDS,
*Executive Director.*

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CONFERENCE OF RADIATION
CONTROL PROGRAM DIRECTORS, INC.,
*Frankfort, KY, May 3, 1996.*

DAVID REYNOLDS,
*Executive Director, Alliance for Radon Reduction, Washington, DC.*

DEAR MR. REYNOLDS: I understand that your organization is interested in a radon provision that would be included in the House Safe Drinking Water Act (SDWA) legislation. I would like to provide you with the perspective of the Board of Directors of the Conference of Radiation Control Program Directors, Inc. (CRCPD).

The CRCPD is comprised of the program directors and their staffs who are responsible for radiation protection matters in each of the states (excluding Wyoming), and certain local radiation control agencies. These radiation control programs have primary responsibility for protecting the public from unnecessary exposure from all man-made and certain naturally occurring sources of radiation, including those which occur through the various environmental pathways.

In the past we have expressed our concerns with the EPA proposed Maximum Contaminant Level [MCL] for radon. Under the SDWA, as currently written, the EPA has maintained it would be required to set a standard as low as 200 or 300 pCi/1.

As radiation control professionals, members of our organizations are committed to protecting human life and the environment from the harmful effects of radiation. However, we must be practical in our approach to providing this protection and we therefore question EPA's proposed MCL for radon in drinking water. In addition to placing an unacceptable financial burden on individual homeowners without providing commensurate health benefits, the EPA's proposed MCL would result in significant administrative and financial burdens on affected state programs.

Simply stated, we believe that an MCL in the range of 200 pCi/1 is neither practical nor justified. A more realistic standard would be in the range of 5,000 to 10,000 pCi/1. The Senate bill would set a water standard at 3,000 pCi/1 that could be revised based on sound science. This is a reasonable approach because it would roughly result in water contributing no more radon to indoor air than is present in outdoor air.

On behalf of the CRCPD, I would appreciate your consideration of our concerns. If you have any questions, please feel free to contact me directly.

Sincerely,

RUTH E. MCBURNEY,
*Chairperson.*

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CONFERENCE OF RADIATION
CONTROL PROGRAM DIRECTORS, INC.,
*Frankfort, KY, August 30, 1990.*

WILLIAM REILLY,
*Administrator, U.S. Environmental Protection Agency, Washington, DC.*

DEAR MR. REILLY: This letter relates to U.S. Environmental Protection Agency's [EPA] consideration of appropriate standards for acceptable radon levels in drinking water and is written on behalf of the Executive Board of the Conference of Radiation Control Program Directors, Inc. [CRCPD].

The CRCPD is made up of the program directors and their staffs who are responsible for radiation protection matters in each of the fifty states. These radiation control programs have primary responsibility for protecting the public health from all sources of avoidable radiation exposure, including those which occur through the various environmental pathways.

The EPA has proposed (Advanced Notice for Proposed Rulemaking, FR 51,189, 34836) revisions to regulations under the Safe Water Drinking Act which would provide for a Maximum Contaminant Level [MCL] for public drinking water systems. The MCL suggested for radon in water is in the range of 200–2,000 pCi/1. The Executive Board of the CRCPD is concerned with the rationale being used by EPA in proposing these radon limits for drinking water. To illustrate these concerns, I bring to your attention the following points:

The Radon Abatement Act of 1988 has the goal of lowering indoor radon concentration to the same as ambient levels. The EPA Citizen's Guide to Radon uses 0.2pCi/1 as the background for ambient radon. Using the rule-of-thumb of 10,000 to 1 for dissolved radon going from water to house air, one would calculate a radon in water concentration of no less than 2,000 pCi/1.

EPA estimates that 5% of the general population's exposure to radon progeny comes from radon derived from water. The number of deaths prevented per year is 18 from an MCL of 2,000 pCi/1 and 94 for an MCL of 200 pCi/1 respectively. However, EPA estimates that 21,000 deaths per year are caused by exposure to airborne radon progeny derived from soil, but there is no effort to develop an equivalent MCL for radon in air. The public will be totally confused in trying to compare the EPA airborne radon action level of 4 pCi/1 with the suggested MCL radon in water level of 200–2,000 pCi/1.

An MCL of 2,000 pCi/1 will cost an estimated 35 million dollars per year for public water suppliers. For this 35 million dollars the total estimated general public exposure from radon in water will be reduced by less than 1%, or approximately 18 lives saved.

An MCL for public water supplies will likely become a defacto standard for homeowners with private wells.

An estimated 30% of private well water owners (approximately 3 million homes) would exceed an MCL of 2,000 pCi/1. The typical cost to each homeowner to correct his or her well to meet the suggested standard is estimated at $2,000. To correct the problem nationally is estimated to require over 1 billion dollars annually. Correcting all private wells which are estimated to exceed 2,000 pCi/1 would reduce the total estimated exposure from radon in water to the general public by less than 10%.

A routine and inexpensive analytical method for dissolved radon is not available.

A low MCL for radon in water will probably have an adverse effect on the overall effort of EPA to reduce deaths from radon exposure because resources that would otherwise be used to address the more serious problems of radon in air will be diverted to address the much less serious problems of radon in water. It is difficult to conceive of a cost/benefit analysis which would support this decision.

The approximate indoor radon in air level across the nation is 1.0 pCi/1. It is assumed that this is the risk, or exposure level, which the public is willing to accept for the benefit of living in a home. This risk would equate to having a radon in water value of 10,000 pCi/1, assuming all the radon in water would become airborne.

A panel of radiation protection experts, assembled by EPA at the National Workshop for Radioactivity in Drinking Water, 1985, made the following recommendation:

''Based on these considerations of estimated Rn exposures in the United States, a derived practical limit on radon concentrations in water is not less than 10,000 pCi/1. A 20,000 pCi/1 value is reasonable and conservative from the standpoints of limiting cost of remedial action to a more manageable number of houses.''

Under the Inactive Uranium Processing Sites Regulations, EPA standards for buildings specify the objective is to achieve an indoor Rn-progeny concentration of 0.02 WL. This would equate to an MCL of 40,000 pCi/1, assuming all radon would become airborne.

These two standards, which are both designed to address risks from radon and its progeny, would place the EPA in a position of making inconsistent risk management decisions.

As radiation control professionals we are committed to protecting human life and the environment from the harmful effects of radiation. However, we must be practical in our approach to providing this protection, and we have much concern that the MCL's under discussion (200–2000 pCi/1) will place an unacceptable financial burden on individual homeowners, e.g., $2,000 per system. These limits would also place large administrative

and financial burdens on affected state programs. A major concern to regulatory agencies is the shear magnitude of addressing a regulatory issue in every household in the land.—Resources just do not exist for such an endeavor.

Based on the above discussion, the recommendations of the Executive Board of the CRCPD are as follows:

1. An MCL in the range of 200 pCi/1 is neither practical nor justified, and the MCL should be no less than 2,000 pCi/1. A more realistic standard is in the range of 5,000 to 10,000 pCi/1.

2. EPA should be consistent in its risk management decisions to the maximum extent possible.

3. Since the entire radon issue is bound up with an extended statistical argument based upon epidemiological findings (for underground miners) which may or may not give a true picture for a low level indoor environment, EPA should carefully evaluate any proposed MCL's for radon in air or water.

Attached with this letter is a report prepared by the CRCPD Radon Program Implementation Committee which addresses these concerns in more detail.

On behalf of the Executive Board of the CRCPD, I would appreciate your consideration of our concerns and request your response to these concerns at your earliest convenience.

Yours very truly,

DIANE E. TEFFT,
*Chairperson.*

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. MINGE] to speak against pork.

Mr. MINGE. Mr. Speaker, I would like to join in the chorus of others who are praising the work of the committees in reporting out a bill that actually addresses problems that many communities around this country have had in maintaining a safe drinking water system and doing so in a way that fits within a budget and reasonable mandates.

There are two issues here that affect the legislation that I would like to briefly address. The first is the issue of pork, and I only wish that I had time to read 300 pages and know exactly what the architecture of the grant arrangement is. Let me say, if there is a 75 percent trigger figure or level that has to be reached before any earmarks are implemented, that does not detract, in my opinion, from the adverse nature of earmarking in legislation.

Mr. Speaker, I would certainly hope that in the conference committee process this matter is cleaned up. It is nice to have safe drinking water. We want clean drinking water; let us have a clean bill.

A second point that I would like to raise has to do with the public right to know. In a community that is in my congressional district, we ran into a rather unfortunate situation. In the context of transferring a home, there was a test of tap water that was run. It was discovered that there was lead in the tap water. The State agency administrating the Federal program at that point told the municipality: You must publish a notice in the local and the regional paper that you have lead in the drinking water in your city.

The municipality said: This is not the case. the lead came from that home, and we can show from other tests that this lead was not from our municipal system, it is from the home itself.

I would like to ask the distinguished chairman of the committee if he is aware if there is anything in this legislation that would simplify the situation so a municipality would be able to distinguish in any right-to-know publication between lead that comes from its system as opposed to lead that may came from household plumbing.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. MINGE. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I understand the gentleman's frustration. As a former mayor, I know that the contaminant is just as likely to come from household plumbing as from the public water system itself. I must advise the gentleman, however, that the bill does not change the way in which lead violations are determined. The bill does give States more flexibility in how the public is notified about violations. I would be happy to work with the gentleman to make sure in the conference as best I can that his concerns are addressed.

Mr. MINGE. Mr. Speaker, I appreciate that greatly, and I would like to again compliment the distinguished chairman of the committee and the ranking member for the work that they have done in bringing to the floor of his House a substantive measure which truly meets the needs of this Nation with respect to preserving the safe drinking water supply.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time.

I grew up 3 miles out of a small town in North Dakota, and our water was not fit to drink. We literally carried water to our town. This is the state of thousands and thousands of homes today. The happy news is that literally thousands and thousands of homes that did not have drinkable water now do have because of the reach of rural water systems and improvements in small town water systems that afford them drinkable water where they did not have drinkable water before.

Mr. Speaker, the present law needs to be changed because it is threatening the viability of some of these rural water systems imposing too many one-size-fits-all requirements out of Washington, most notoriously the requirement that 25 new contaminants be identified to be tested for every single year, which is ludicrous, and not even having a requirement that that be related to the public health concerns of the area. This is a bad law and needs to be changed.

The bill before us makes positive changes. Specifically, the new revolving loan fund will help small communities fund improvements, huge improvements. There is greater flexibility to allow localities to address local concerns and special treatment recognizing the difficulties small systems have in maintaining absolutely sound water, but dealing with the high costs of treatment.

One the other hand, I must note two great disappointments about this bill. The bill coming out of committee by unanimous vote was one I think we all could have been proud to vote for. To have the revolving loan fund earmarked by the Committee on Transportation and Infrastructure in the fashion that has unfolded in the legislation before us is a bitter disappointment. I think all systems ought to compete for that money fair and square, not have some public works earmarks grafted in by report language, and I think that that amendment has indeed been highly regrettable.

The Senate passed their safe drinking water bill unanimously. We could have on the House side. It is unfortunate that this change was made.

Mr. Speaker, I rise today in support of this legislation but also to express my disappointment about the recent controversy surrounding this bill. It is unfortunate that once again the normal committee process has been circumvented and in the process, passage of this bill—which enjoyed broad bipartisan support—is in jeopardy. In the interest of providing desperately needed relief to rural water systems throughout the country, I will be supporting this bill.

Mr. Speaker, since my election to Congress, I have visited with mayors and community leaders who consider reform of the Safe Drinking Water Act to be one of their top priorities. It is no wonder. The Safe Drinking Water Act is one of the most expensive unfunded mandates facing North Dakota communities.

Water systems throughout the country are forced to test for an arbitrary number of contaminants regardless of the threat to public health. Many small and rural water systems simply cannot comply with these madates—they don't have the technology and they don't have the resources. This law has driven the water systems of some communities to the edge of viability, while others have had to ignore the law in order to survive financially.

A National Rural Water Association report found that rural communities will spend over $639 million for redundant monitoring between 1994 and 1996. In order to comply with these regulations, 80 percent of small communities surveyed will be forced to forego plans to hookup more families, improve water treatment, operate wells, and other critical functions.

In order to help move this issue forward, I introduced the unanimously passed Senate version in March. Many of the provisions contained in that bill are also contained in this legislation. It reduces the regulatory burden imposed on States and public water systems, increases State flexibility, provides financial assistance for unfunded mandates, and requires that the EPA consider costs and benefits when setting new standards.

The fundamental flaw of the current law is its one-size-fits-all approach. What makes

more sense is allowing water systems to focus their scarce resources on the real risks to human health in their communities. With passage of this bill, what is affordable will no longer be governed by what Chicago or New York can afford—system size will be taken into consideration when determining affordability.

In this case, less regulation can actually mean safer drinking water. This legislation will not undermine the importance of the current drinking water laws. Rather, it will ensure safe drinking water without bankrupting our communities.

I am concerned about the expansion of EPA autority into operator certification programs. I believe the North Dakota Department of Health should retain primacy over this program, because they are better suited to understand the certification needs of North Dakota system operators.

As this legislation goes to conference, I will continue to work to see that this and other issues impacting small and rural water systems are addressed. I remain hopeful that we can enact a reform bill still this session.

Mr. DINGELL. Mr. Speaker, I yield myself the remainder of my time.

It was observed to me that pigs cannot fly, but they can swim, and they are in our drinking water. The Committee on Public Works, or now, I gather, the Committee on Transportation and Infrastructure is it, has never forgotten how to put pigs in the drinking water. They have never forgotten how to take a fund which would benefit all of the Members of Congress, all of the people of the country and convert it into a proposal which will take care of just a few congressional districts, with, quite frankly, a very shameless raid upon a fund which is already too small to do what it has to do.

Now, I am not going to defend the situation which triggered this. I am sure the natural instinct of that committee was to do exactly what they did, regardless of how large or how small the fund is. Because the Committee on Transportation and Infrastructure, is it, yes, the Committee on Transportation and Infrastructure has never seen a pile of money that they did not want to use for pork, and that is what has transpired here.

So I would say to my colleagues in the House, if we do not have money to deal with the problems of clean water and safe drinking water in our districts, it is the Committee on Transportation and Infrastructure which has very carefully extorted from us and from our districts the funds which would make that possible.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I am pleased that the House is considering this bipartisan environmental legislation.

The existing Safe Drinking Water Act's intent is important and vitally necessary—ensuring the public has a clean water supply. Unfortunately, the existing law provides this public health protection through unnecessarily rigid mandates.

This bipartisan legislation validates that the same level of public health protection can be provided, but at a lower financial cost to the public and those who operate water systems.

I would like to take this chance to specifically address the Federal facilities provisions in title II of the bill. Ensuring the Federal Government's compliance with environmental laws has been a longtime campaign of mine.

Historically, the Federal Government has been the Nation's biggest polluter. It has sought to assert sovereign immunity to escape accountability for its environmental violations. This is simply wrong.

Not only does the Federal Government have the duty to follow the laws it enacts, but citizens living on or near Federal facilities deserve the same environmental protections afforded to those on private lands.

Congress has sought to hold the Federal Government accountable in the context of other environmental statutes. In 1992, after years of effort, we won enactment of the Federal Facilities Compliance Act, which gave States the ability to enforce Resource and Conservation Recovery Act standards at Federal facilities. And, last year, we were able to incorporate similar provisions in the Clean Water Act amendments now pending in the Senate.

I am pleased that H.R. 3604 contains the parallel provisions necessary to ensure that Federal facilities will adhere to the Safe Drinking Water Act.

Mr. Speaker, I am pleased to be an original cosponsor of this legislation. I am specifically encouraged that Congress is taking another step toward ensuring full compliance by Federal facilities with environmental laws.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. SCHAEFER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, just by way of observation, the Safe Drinking Water Act amendments were reported from the Committee on Transportation and Infrastructure on a bipartisan basis. We concur in the language in the bill, and we support the legislation and urge its adoption by the House.

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman very much. I am also pleased to be an original cosponsor and encouraged that Congress has taken another step forward in fulfilling compliance by the Federal facilities in this country the same that private industry does.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. BLUTE].

(Mr. BLUTE asked and was given permission to revise and extend his remarks.)

Mr. BLUTE. Mr. Speaker, I rise in strong support of the Safe Drinking Water Act reform and urge its passage.

Mr. BEREUTER. Mr. Speaker, I rise in support of the legislation which was originally reported out of the Commerce Committee. Indeed, there is general agreement that the current drinking water law is badly broken and needs to be fixed. There is an urgent need to make the Safe Drinking Water Act's regulations more flexible, and common sense in orientation, and less costly. Although certainly not perfect, H.R. 3604 represents a very large improvement over the current law and this Member hopes that it can be further improved in conference with the other body.

In particular, this Member is concerned about the Federal approach, H.R. 3604 takes with regard to issues such as operator certification and capacity development. A Federal one-size-fits-all approach is not the proper way to address these concerns. These are clearly matters better left to the States.

This Member is further concerned with this bill's radon provisions. It is critical for communities throughout Nebraska and the rest of the country that a reasonable radon standard be developed. Without a common sense approach, communities across the Nation will be forced to spend billions of dollars to implement a regulation which would result in minimal health benefits since water contributes very little to the public exposure to radon. This Member expresses his strong desire that the conference acquiesce to the other body's more reasonable radon provisions which would provide adequate protection without unnecessarily burdening communities.

Despite these flaws, this Member believes H.R. 3604 helps correct some of the serious problems and reduces the substantial local costs created by the current law. Clearly, many of the current SDWA requirements result in prohibitive costs without any real health benefit or increase in water quality. This is an issue on which this Member has been speaking out and seeking corrective actions by the EPA for some time, but without results. However, in large part, it is Congress which is to blame for the statutory direction we have given to the EPA.

H.R. 3604 injects more reasonableness and common sense on this issue and allows States and communities to identify and focus on those contaminants which present an actual health risk in a particular area. Legislation enacted by Congress simply must take into account the economic and budgetary realities faced by States and communities. Blanket Federal legislation for this yet very diverse Nation is usually ineffective, overreaching, inflexible, and expensive for States and communities of all sizes. That surely is the case with various parts of the current Safe Drinking Water Act.

Clearly, most Members and the informed American public now support an assessment of risks during the regulatory process. Clearly, some applications of environmental regulation has entered a phase of diminishing returns. Although great progress has been made in meeting threats to health and safety, a point has been reached where each new environmental regulation should undergo a cost/benefit estimate based on an analysis of risk.

H.R. 3604 gives State and local officials greater responsibility in tailoring a safe drinking water program based on sound science. These officials certainly have a powerful incentive to provide safe drinking since they and their constituents will be drinking that water and they know full well where the buck stops. They certainly would not subject themselves

and their family and friends to harmful water. Instead, they will focus their time and money on the problems unique to their community.

Mr. Speaker, there is a growing financial crisis for small communities that becomes more evident each year as new testing and treatment deadlines are imposed. This Member's experience in visiting with local officials and listening to constituents at town hall meetings indicates that the regulations promulgated to enforce the Safe Drinking Water Act have become a major Federal irritant to local government officials and terribly expensive—for no real benefit. These regulations often result in diverting scarce local dollars to address problems or contaminants which do not exist.

It costs nearly as much for a very small community to go through the mandated testing procedures as it does for a large community. In most cases, therefore, residents in smaller communities will be forced to pay much more per person, since the costs cannot be spread out over a larger population. Without changes in the current law, though, communities of all sizes will be severely impacted.

This bill also removes many of the rigid and arbitrary requirements of the current safe drinking water law. For instance, it eliminates the notorious and ridiculous current statutory mandate that EPA identify 25 contaminants every 3 years for regulation and replaces it with a system based on contaminants that, first, represent a public health concern, and second, actually occur in drinking water. The legislation also allows States to tailor monitoring requirements to particular circumstances, with responsible flexibility and reasonable exemptions made more easily available.

Mr. Speaker, while everyone certainly recognizes the importance of providing safe drinking water for everyone, this Member believes it should be done in a realistic manner which does not inappropriately burden the communities affected. As stated previously, this Member does not support taking any action that will cause drinking water to become unsafe. For instance, where there is a problem with biological contamination, yes; treatment is obviously necessary. However, the Federal Government should provide more discretion to States so that they can use common sense and not be subject to arbitrary nationwide standards that have no relevance in a particular State. For instance, the nature of water testing in Nebraska should reflect the State's uniquely strong ground water dependency. This Member has consistently conveyed these views to current and former EPA administrators.

Mr. Speaker, Nebraska relies far more heavily on ground water sources for both drinking water and commercial uses than any other State in the Nation. For example, only 6 or 7 of the more than 1,395 public water supply entities in the State use any surface water. In a great many Nebraska communities, individual wells are located at various points in a community without being interconnected. Since most Nebraska communities incorporate water from their wells directly into their distribution systems, a requirement for chlorination would have the effect of requiring centralization of their water supply systems or chlorination would sometimes have to be provided at each separate well site—an action which would be almost economically impossible for many Nebraska communities.

It is also important to note that Nebraska has not had a water-borne disease outbreak attributed to a public water supply system since at least 1969. That particular situation involved a transient population with an undetermined source or cause of illness.

Mr. Speaker, this Member is pleased that the House is taking action on this important issue and hopes that the legislation will be further improved in conference and that includes a deletion of the earmarked or recommended projects which were added after the legislation was reported originally from the Commerce Committee.

Mrs. LINCOLN. Mr. Speaker, I rise today to congratulate all parties, particularly Messrs. BLILEY, DINGELL, BILIRAKIS, and WAXMAN, in reaching an agreement on the reauthorization of the Safe Drinking Water Act. This is a truly bipartisan bill which establishes good public policy.

I am only sorry that in the final days before today's vote that the bipartisan nature of this bill was strained by jurisdictional disagreements. This bill should have passed by a unanimous vote with praise from both sides of the aisle. Instead, the debate exhibited the partisan nature that has become all too familiar during the 104th Congress—all over some additional district-specific provisions that could diminish the State revolving fund [SRF] as much as $375 million in grants.

I hope that we can resolve the differences that were outlined today to ensure the enactment of a comprehensive Safe Drinking Water Act this year. This is a good bill that sets forth solid public policy. H.R. 3604 grants long needed regulatory relief for small systems and provides needed financial resources for rural water circuit rider programs and for purely voluntary, incentive-based, and community-driven source water protection programs.

Let's resolve the remaining controversies and move towards a conference with the Senate. Because this bill has broad-based support, it would be terrible to lose this opportunity to pass comprehensive legislation into law this Congress.

Mr. SHUSTER. Mr. Speaker, I rise in strong support of H.R. 3604, the Safe Drinking Water Act Amendments of 1996. This bill, as amended by the Transportation and Infrastructure Committee, will help meet the mandates for environmental infrastructure and a cleaner, safer, and healthier environment.

First, I must congratulate and thank the leadership of the Commerce Committee, particularly the gentleman from Virginia, Chairman TOM BLILEY, and the gentleman from Florida, Subcommittee Chairman MICHAEL BILIRAKIS, for their efforts regarding H.R. 3604 and their willingness to work with the Transportation and Infrastructure Committee. Working together, we have combined provisions from their bill and from our bill, H.R. 2747, the Water Supply Infrastructure Assistance Act of 1996, to produce a strong, bipartisan package.

A lot of the credit also goes to the membership of the Transportation and Infrastructure Committee, particularly the gentleman from Minnesota, Ranking Democrat JAMES OBERSTAR, the gentleman from New York, chairman of the Water Resources and Environment Subcommittee, SHERRY BOEHLERT, and the gentleman from Pennsylvania, Ranking Democrat of the Water Resources and Environment Subcommittee, ROBERT BORSKI. Our efforts resulted in a broadly-supported, bipartisan bill authorizing a new State revolving fund [SRF] for drinking water and source water quality protection, as well as grants for additional, related assistance. The bill also helped build momentum for broader legislation reauthorizing and reforming the Safe Drinking Water Act within the Commerce Committee.

Last week, with the assistance of the House Republican leadership, the two committees combined portions from both bills—H.R. 2747 and H.R. 3604—to help move improved legislation to the floor as soon as possible.

The resulting package of amendments contains the regulatory and financing provisions, including the SRF, from H.R. 3604 and certain water infrastructure and watershed protection provisions from H.R. 2747. The bill's new title V, Additional Assistance for Water Infrastructure and Watersheds, is straight from H.R. 2747 and authorizes $50 million a year to EPA for grants to States for drinking water infrastructure and source water quality protection. The authorization is contingent on Congress appropriating 75 percent or more of the amount authorized each year for the SRE—reflecting the policy that Congress should give priority to capitalizing the SRF. The package also includes provisions from H.R. 2747 to address regional needs in Alaska and the New York City watershed. Provisions and concepts from H.R. 2747 on the makeup and use of a national SRF are also either already part of H.R. 3604 or part of the Senate-passed drinking water bill.

Mr. Speaker, because the legislative history may not be entirely clear, it is important to elaborate on some of the bill's provisions—particularly those from the Transportation and Infrastructure committee's bill, H.R. 2747. House Report 104–515, the committee report accompanying H.R. 2747, describes the provisions in and intent behind section 15 of H.R. 2747. Essentially the only changes from section 15 and the new title V of H.R. 3604 relate to the authorization dates and levels. The generic grants program is now authorized through fiscal year 2003, rather than fiscal year 2000, to be consistent with authorization dates throughout the reported version of H.R. 3604. Authorization dates and levels for the New York City watershed program are also slightly modified: The program is authorized through fiscal year 2003, like comparable provisions in the reported version of H.R. 3604, and the authorization level is reduced to $8 million per year to reflect a comparable change made to the reported version of H.R. 3604.

There has been considerable discussion surrounding the generic grants program and the mention of projects in the committee report. The committee believes the Administrator of EPA and the affected States should determine their own priorities under this program. Based on testimony and other information submitted to the committee, however, the committee urges that priority consideration be given to communities listed in the committee report. In no way, however, is this intended to preclude assistance for other communities. In fact, since the filing of the report, additional needs have come to our committee's attention. For example, Madison, OH, has waterline replacement and booster station needs. These, like other infrastructure projects throughout the Nation, could benefit from the program.

The Transportation and Infrastructure Committee report also adds important language regarding land acquisition provisions and the requirement that they be from willing sellers.

Page 17 of the report elaborates further on the committee's intent; all of those provisions continue to apply to the provisions added from H.R. 2747 to H.R. 3604.

Some additional comments on the eligibilities and uses of the new SRF might be helpful. Both H.R. 2747 and H.R. 3604 have SRF's with provisions on eligibilities. From the perspective of the Transportation and Infrastructure Committee, our intent is that the construction, rehabilitation, and improvement of water systems could certainly include work related to pipes and that, in limited circumstances, assistance from the SRF and from title V could be used to refinance loans as described in the report on H.R. 2747.

I congratulate members of both committees, as well as the members of the Science Committee, for working together on this bipartisan legislation. Beyond a doubt, it will significantly improve our country's water infrastructure and drinking water protection efforts.

I look forward to working with my colleagues in both the House and the Senate as H.R. 3604 moves further down the road toward enactment.

Mr. WALKER. Mr. Speaker, I rise today in support of H.R. 3604, the Safe Drinking Water Act Amendments of 1996. H.R. 3604 is a sound bill, and I would like to compliment Chairman BLILEY on his committee's fine work.

H.R. 3604 was referred to the Committee on Science for consideration of its drinking water research provision. The Science Committee has for the last two decades authorized drinking water research as part of the Environmental Research, Development, and Demonstration Authorization Act.

During this Congress, the committee authorized the Environmental Protection Agency's [EPA] drinking water research in both the Omnibus Civilian Science Authorization Act of 1995, H.R. 2405, and 1996, H.R. 3322. Both these measures passed the House of Representatives.

It was my intent, Mr. Speaker, to have the Science Committee mark up H.R. 3604 in order to reconcile its drinking water research provisions with those which passed the House on May 30, 1996, as part of H.R. 3322. However, due to the looming August 1, 1996, deadline for the enactment of a Safe Drinking Water Act reauthorization, and based on a request from Chairman BLILEY, the Science Committee has agreed to discharge H.R. 3604.

In exchange, the Commerce Committee has agreed to include a new research title in the bill, title VI, and support the appointment of Science Committee conferees to the House-Senate conference for those House or Senate provisions which involve drinking water research. Title VI reconciles the drinking water research provisions in H.R. 3604 with the authorization level in H.R. 3322.

As amended by the Science Committee's new title, H.R. 3604 authorizes $26,593,000 a year for fiscal years 1997 through 2003 for drinking water research. Contained within this authorization are specific authorizations for section 1412(b)(13) of the Safe Drinking Water Act, arsenic research, section 409 of H.R. 3604, drinking water research on harmful substances, and section 1452(n) of the Safe Drinking Water Act, research on the health effects of pathogens such as cryptosporidium and disinfection byproducts.

Title VI also places the Assistant Administrator for Research and Development in charge of the quality of all drinking-water-related research conducted by the agency. Under the provision, the Assistant Administrator will be required to report to Congress on any duplicative or low-quality drinking water research conducted by the agency. Centralizing the responsibility for the quality of all drinking water research conducted by EPA should help ensure that the agency relies on the highest quality science when it promulgates future drinking water regulations.

Mr. Speaker, title VI makes a good bill better, and I encourage all my colleagues to suspend the rules and pass H.R. 3604.

Mr. TATE. Mr. Speaker, today I rise in strong support of the Safe Drinking Water Act amendments. I commend my colleagues for their strong bipartisan cooperation, continuing the tradition of bipartisanship that has characterized the Safe Drinking Water Act since it was originally signed into law by President Ford and reauthorized during the Reagan Presidency.

Today, the Safe Drinking Water Act is revitalized by a Republican Congress that has put policies aside, rolled up its collective sleeves, and gone to work to deliver to the American people safe and pure drinking water. Governors, State and county legislators and mayors, alongside local and State water authorities, have endorsed the Safe Drinking Water Act amendments as representing a significant advance over current law.

In Washington State, there are over 4,000 separate water systems impacted by the Safe Drinking Water Act and approximately 2,000 of these have less than 100 families connected to them. Local authorities can and will find effective ways of providing safe drinking water to their residents—if they are allowed to do so.

The Safe Drinking Water Act amendments establish clear priorities, concentrating safe drinking water programs on those contaminants that pose the greatest threat to human health. No longer will local water systems be forced to test for contaminants that responsible authorities have never found, and are unlikely ever to find, in the water supply. Instead, local water authorities will be able to harness their knowledge, expertise, and dedication, and focus their resources where it is needed the most.

Arbitrary requirements calling for regulations on 25 new contaminants every 3 years are removed. Instead, the best available scientific evidence will be utilized to target real and documented threats to the public, including enhanced testing for estrogenic substances and a screening program for pesticides and chemicals.

Mr. Speaker, this legislation ensures that water systems will be able to obtain the financial and technical expertise they need to implement Federal water standards. The EPA is required to proactively assist water systems as they struggle to comply with Federal regulations by identifying new technologies best suited to meet their needs. Special technical assistance is also extended to small water systems.

This legislation provides the resources our drinking water systems need. A State revolving fund of $7.6 billion is established to help public water systems implement drinking water standards. Funding for the public water State supervision grants, for use in the implementation and enforcement of State drinking water programs, is more than doubled to $100 million annually. Also, $80 million is provided for scientific research on the health affects and treatment of arsenic, radon, and cryptosporidium.

Most important, the Safe Drinking Water Act amendments vigorously enforces the public's right to know. The EPA is required to track unregulated contaminants and annually provide a consumer confidence report detailing each water system's compliance with safe drinking water standards. In addition, the public must be notified of violations within 24-hours rather than the current 14 days.

The Safe Drinking Water Act amendments harnesses sound and objective scientific practices, local expertise, and common sense in order to produce real public health benefits. Science, local flexibility, and common sense—rather than redtape—will help ensure the purity and safety of our Nation's drinking water. I urge all my colleagues to vote in support of the Safe Drinking Water Act amendments.

Mrs. FOWLER. Mr. Speaker, I rise today in support of these important reforms to the Safe Drinking Water Act. The fact that we need to protect our environment and ensure the public health is indisputable, and this debate focuses on how best to achieve these goals.

H.R. 3604 demonstrates a commitment to effective, commonsense regulations that will guarantee safe drinking water within the confines of achieving a balanced budget. The bill focuses attention on those contaminants that pose the great risk to health and requires public notification of water safety violations.

Equally important is the bill's addition of a State revolving loan fund to provide capitalization grants to States to further the health protection objectives of this bill. Without this funding source, many municipalities and States would face environmental mandates with which they could not possibly comply. I was pleased to be an original cosponsor of the portion of this legislation that established this revolving loan fund and strongly support its inclusion as part of our overall proposal to ensure safe drinking water.

This legislation takes an important step beyond the campaign-oriented rhetoric that we have been hearing on environmental issues and moves toward actually ensuring the protection of our environment and health.

Mr. CAMP. Mr. Speaker, I strongly support H.R. 3604, the Safe Drinking Water Act amendments, and will vote for passage of the bill. Under our current Safe Drinking Water Act, communities do not have adequate resources, both financial and technical, to comply with Federal water standards. This legislation will provide $7.6 billion for grants and loans to local water authorities for compliance, activities, training of new operators, and development of solutions to water pollution. These measures will help our communities provide clean, safe drinking water to their residents.

The legislation also includes a community right-to-know provision, requiring water systems to mail every consumer an annual report concerning the levels of regulated contaminants in their water. Consumers need to know that their water is clean and pure. Parents need to know that the water they give their children is safe to drink. These reports will put more information into the hands of consumers and parents, and allow them to better monitor the resources in their communities.

This bill ends the one-size-fits-all safe drinking water policies that our current law dictates.

It returns the decisionmaking power to the State and local water authorities, who know best the needs of their community water system. Communities will be better able to monitor the purity of their water than bureaucrats in Washington, DC. Rural water system officials in mid-Michigan have contacted me in support of this bill, because they realize that less Federal control means more local control, and ultimately cleaner water for Michigan's communities.

This legislation is the product of over 2 years of negotiations between Congress, State, and local officials, and representatives of virtually every public water system in the country. The Commerce Committee deserves credit for fashioning a bipartisan bill that reforms a Safe Drinking Water Act that is broken. This legislation will go far toward insuring safe drinking water and efficient allocation of Federal, State, and local resources. I urge my colleagues to vote for this important piece of environmental legislation.

Mr. ENSIGN. Mr. Speaker, I would like to express my strong support and intent to vote for H.R. 3604, the Safe Drinking Water Act amendments. Despite the inclusion of nonrelated grants under the Safe Drinking Water Act, I feel that it is vital to the American people that we pass this legislation. It will enhance the safety of Americans' drinking water by focusing regulatory efforts on the most dangerous health contaminants and giving States and local water systems the financial and technical resources they need.

H.R. 3604 provides $7.6 billion in direct grants and loans to public water systems for compliance activities, enhancement of water system capacities, operator training, and development of solutions to source water pollution. It also authorizes $80 million for scientific research on the health effects of cryptosporidium, as well as radon and arsenic, and to develop new methods for its treatment. In addition, H.R. 3604 includes a community right-to-know provision which requires water systems to mail an annual report to every consumer concerning the levels of regulated contaminants.

The safe drinking water amendments is a carefully crafted, bi-partisan bill that deserves support. It provides ample resources and power to local communities to provide safe and clean water to their residents. It provides local control over local issues.

I commend the Commerce Committee for their hard work. I am hopeful that differences between the Senate-passed bill can be worked out quickly to send this important environmental legislation to the President.

Mr. BLILEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and pass the bill, H.R. 3604, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3604, as amended.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

There was no objection.

***NOTICE***

***Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.***

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LINCOLN (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STOKES) to revise and extend their remarks and include extraneous material:)

Mrs. COLLINS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SOLOMON, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. MANZULLO, for 5 minutes each day, on today and June 26 and 27.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. MICA, for 5 minutes, on June 26 and 27.

Mr. DIAZ-BALART, for 5 minutes, on June 26.

Mr. HUTCHINSON, for 5 minutes, on June 26.

Mr. MCINTOSH, for 5 minutes, on June 27.

Mr. FOX of Pennsylvania, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. LEVIN.
Mr. COLEMAN.
Mr. CLEMENT.
Mr. KLECZKA.
Mr. JACOBS.
Mr. VOLKMER.
Mr. ANDREWS.
Mr. STARK.
Mr. OBEY.
Mr. WARD.
Mr. BARCIA.
Mr. BORSKI.
Mr. MOAKLEY.
Mr. RAHALL.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. SHADEGG.
Mr. MCHUGH.
Ms. ROS-LEHTINEN.
Mr. BONO.
Mr. GRAHAM.
Mr. FRANKS of Connecticut.

## ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2803. An act to amend the anti-car theft provisions of title 49, United States Code, to increase the utility of motor vehicle title information to State and Federal law enforcement officials, and for other purposes.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1579. An act to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the ''Single Audit Act.''

## BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2803. An act to amend the anti-car theft provisions of title 49, United States Code, to increase the utility of motor vehicle title information to State and Federal law enforcement officials, and for other purposes.

## ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, pursuant to House Resolution 459, I move that the House do now adjourn in memory of the late Honorable BILL EMERSON.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes